

The Responsive Community

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UP FRONT

Why Freedom Requires Community

British Home Secretary David Blunkett

Much public debate about civil liberties and individual freedom is dominated by a particular understanding of liberty. It is one which I believe to be only half the story.

Freedom is not just a cerebral matter. The issues raised are crucial to our lives: reform of the criminal justice system, our response to the terrorist threat, how we tackle illegal immigration, and so on.

Our way of thinking about freedom in the United Kingdom is dominated by what Isaiah Berlin called the “negative” view of liberty. We tend to think of ourselves as free when we can go about our business without interference from others, as long as we don’t harm anybody else. And our understanding of freedom is expressed most commonly in terms of our individual legal rights.

There are powerful arguments in favor of such a view of freedom, not least because it captures deeply held beliefs about the right of an individual to pursue his or her chosen course in life, free from persecution or invasion of privacy. It underpins many of the fundamental, nonnegotiable rights that are enshrined in the criminal justice system. I share entirely an appreciation of the need to protect such crucial freedoms.

But it has its limitations. For one thing, it neglects the essential foundations of individual liberty in the mutuality offered by the

community. The wider community of which we are a part helps to shape our thoughts and actions, and we depend on the support of the others to achieve our goals. So we are not simply free “against” one another; we depend on the community for our freedom.

The negative view also fails to embrace any broader definition of social well-being. For example, if the criminal justice system fails to work effectively, it is not simply the guilty who go unpunished or the innocent who are wrongly condemned. What takes place in the courtroom has social consequences.

If it becomes ineffective, there is more crime on the street, fewer people are prepared to come forward as witnesses, and public disrespect for justice, and for any form of legislative authority, grows. This has implications for norms of social constraint, including the role of parents, and nongovernmental restraints on sheer self-interest.

The negative view of freedom is not good at helping us see the criminal justice system in this wider social context. To borrow a phrase from Marx, it tends to make a fetish of the process of law, rather than the ends it serves. We have to be careful here, of course: those who subjugate means to ends will end up abrogating rights and denying freedoms. But you do not have to sacrifice individual rights in order to place the system of justice in its social context.

Another limitation of the negative view of freedom is that it prevents us from viewing our membership in the political community as a positive good. On the negative view, the state is always external to the individual, rather than the embodiment of a democratic political community of which we are members. So it is often seen simply as a threat.

You can also see this logic at work in the arguments of Tory libertarians such as Peter Lilley. They are instinctively hostile to any reforms of criminal justice, or to the introduction of entitlement cards, because they can view state action only as an intrusion into the private lives of individuals. Hence they have no concept of the state as a positive force, empowering and enabling people to shape their lives. They cannot see it as a collective vehicle for progressive change.

I understand this, given the role of the state in other political contexts and the mistakes made in the 20th century, when the collec-

tive good was elevated over individual rights. However, in my book *Politics and Progress*, I argued for a positive view of freedom, drawing on another tradition of political thinking that goes all the way back to the ancient Greek polis.

According to this tradition, we become fully free only when we share, as active citizens, in the government of the affairs of the community. Our identity as members of a collective political community is a positive thing. Democracy is not only an association of individuals determined to protect the private sphere, but also a realm of active freedom in which citizens come together to shape the world around them. We contribute and we become entitled.

One of the most powerful objections to this positive view of freedom is that it is all very well in small, self-governing communities, but it is impractical and undesirable in modern, complex, and plural societies. In a globalized society of many different beliefs and practices, in which face-to-face communication is limited and social interaction often highly impersonal, it is simply impossible to govern a community collectively on the participatory model. Moreover, it is vital to uphold individual or minority rights, even when the majority view of the community may be against them.

These are important arguments, and it is essential to acknowledge them when we debate criminal justice. We don't live in small, self-governing communities any more. We live in large, plural societies, and we need political and legal systems that enable us to protect individual rights at the same time as we pursue democratic goals. Even in democracies that do not have a formal separation of powers, there must always be a distinction between the legitimate realms of politicians and judges.

What this means is that people like me, who argue in favor of positive freedom, participatory democracy, and active citizenship, must also marry our beliefs about community well-being to concepts of personal autonomy and rights before the law. We have to find common ground between communitarian and "negative" liberal arguments.

I respect the views of those who seek to uphold individual rights and freedoms. I do, too. But I believe it is possible to cherish civil

liberties at the same time as we promote the common good, and understand that there is more to freedom than being left to fend for ourselves. Freedom, and the question of how best to protect it from those who would exploit it, is a little more complicated in the 21st century than libertarians would have us believe.

The Split Personality of Corporate America

David Vogel

Are companies becoming more socially responsible or less ethical? It is easy to be confused.

On one hand, more than 300 global firms have signed onto the UN Global Compact, pledging to demonstrate good global citizenship in the areas of human rights, labor standards, and environmental protection. More than 2,000 corporations now voluntarily report on their environmental and social performance. There has been a proliferation of voluntary corporate and industry codes covering areas ranging from human rights to working conditions, and corporate partnerships with nonprofit organizations have increased substantially. Fifty-four socially responsible mutual funds have been created in the United States and scores more in Canada, Europe, and Japan. Based on the premise that companies that “do good” will also “do well,” approximately \$1.5 trillion worldwide are now invested according to social or ethical criteria.

On the other hand, the last year has also witnessed a parade of corporate abuses ranging from creative earnings management to insider trading and outright fraud on the part of executives and their lawyers, accountants, and bankers. While a year ago the business press was filled with articles heralding a new era of corporate responsibility, we now learn that many managers have been systematically abusing the trust of their shareholders, and in some cases their employees as well. Portraits of enlightened and responsible managers have given way to depictions of managerial greed.

What are we to make of these conflicting portraits of business conduct?

Both depictions, in fact, are true. Thanks to public, consumer, and employee pressures, firms such as Nike, Shell, and the Gap have improved their labor and human rights practices. Other companies, such as Alcoa, 3M, Dupont, and Dow Chemical, have substantially lowered their production costs by reducing their emissions and solid wastes. But those who claimed that corporations were at last becoming socially responsible mistakenly assumed that managers were only under pressure to behave better. What they overlooked were the equally significant changes in the business environment that have encouraged many firms to behave worse.

As executives' speeches and academic writings on business ethics never tire of repeating, there is much evidence that corporate responsibility "pays." It can improve employee morale, lower costs, improve a company's reputation, and facilitate relations with community groups and government officials. But it is equally true that fraudulent bookkeeping and deceitful earnings reports also "pay." By artificially raising stock prices, they can lower the cost of capital, facilitate acquisitions, and, not least, increase executive compensation. In short, corporate responsibility pays, but unfortunately so does corporate irresponsibility, especially for many individual executives who have managed to benefit financially at the expense of investors.

Indeed, it might well be argued that over the last decade, many managers have discovered the financial rewards of both better environmental management and creative accounting. They have learned the importance of maintaining good relations with both environmental groups and Wall Street analysts.

These strategies are not incompatible or necessarily inconsistent. Some firms have done both. Consider, for example, three of the firms whose accounting practices have recently come under public scrutiny.

Before its well-known transgressions came to light, Enron was long regarded as an exemplary corporate citizen. The firm and its senior executives were generous supporters of community institutions in Houston, and it captured international attention by building

a power plant in India without resorting to bribing government officials. It won a number of environmental awards and its shares were purchased by a number of “ethical” mutual funds. Enron also lobbied the Bush administration in favor of an international agreement to address global warming—in the expectation that it would then be able to create a market for carbon trading—and the company pleased many environmentalists by its investments in alternative energy.

Merck, the drug company recently criticized for misreporting some revenues, received a prestigious award in 1991 from the Business Enterprise Trust, established by Norman Lear and James Burke to recognize exemplary corporate social performance. It was honored for its decision to develop and distribute Mectizan, a drug effective against river blindness, which threatens 85 million of the world’s poorest people. Since 1987, Merck has been producing and distributing this drug free of charge to all international aid programs at an annual cost of more than \$100 million. In *Fortune’s* annual survey of corporate reputations, Merck has consistently received high marks for “corporate responsibility.”

Xerox recently paid a \$10 million fine to settle a civil suit filed by the SEC accusing it of misstating profits by nearly \$3 billion over four years. Yet Xerox has also been a recognized international leader in environmental management, pioneering a Design for Environment program that recycled copy cartridges as well as copiers themselves. Paul Allaire, its former CEO, explained, “Xerox shares the public’s concern about the environment and has integrated that concern into our business activities, making environmental values a key part of the Xerox corporate culture.” The company’s eco-friendly designs have saved it an estimated \$2 billion over the last decade, while substantially reducing solid wastes.

In this context, it is worth recalling that during the 1980s, Arthur Andersen provided substantial funds to promote the teaching of ethics in business schools throughout the United States.

We should be wary of making facile generalizations about trends in corporate vice or virtue. Firms are rarely as consistently virtuous or corrupt as the media portrays them. Corporations are complex institutions and they are subject to a wide variety of pressures. Now, as in

the past, some of these pressures have encouraged firms and the executives who run them to behave more responsibly while other pressures have rewarded unethical behavior. Our challenge is to restructure those incentives so as to make it in the self-interest of more firms to behave more responsibly more of the time. But in our legitimate efforts to discourage and penalize “infectious greed,” we should not overlook the important ways in which corporate performance has also improved.

Peace before Justice: Settling the Palestinian-Israeli Conflict

Amitai Etzioni and Shibley Telhami

As violence in the Middle East continues, hopes for a settlement have been further dimmed by an alarming polarization. Palestinians and Israelis have returned to the language of maximal demands, and to pointing fingers at all that has gone before. This trend can only make peace more elusive.

For now, we say, seek peace, not historical judgment. Far too much public discourse focuses on who is to blame—and by implication, who should carry the main burden of ending hostilities and settling the conflict.

Those who blame the intifada want the Palestinian Authority to suppress it. Those who blame Israeli occupation of the West Bank want Israeli troops withdrawn. One side points the finger at Israeli Prime Minister Ariel Sharon and seeks his removal, the other at Palestinian leader Yasser Arafat and seeks his.

Trying to sort out who has been most abusive, who has suffered more, and who has stronger claims will only extend the bloodshed. For now the focus should be on finding a formula that allows both sides to live together.

We say “for now” because once peace is firmly established, there will be time for a truth commission to look into matters of blame and justice. After all, even in other parts of the world, from South Africa to Argentina, such investigations took place after a new regime was established. Even there, the main purpose was reconciliation and healing rather than incrimination.

To envision peace, we must flesh out at the outset the “final status,” the vision of what the world is going to look like—one in which a Palestinian state and Israel will live together, both not merely recognized by all governments but also enjoying normal relations with them.

To argue that political negotiations about the final status must await cessation of hostilities is to seek to prevent them from taking place. To hold that we can fight and talk is equally untenable. Clearly, a significant scaling back, especially of attacks on civilians by Palestinians and military control of civilians by the Israeli army, must and can take place for a fleshing out of the final status to proceed.

We say fleshing out, because there is a surprising, widely shared informal understanding of what the outline of the final status is likely to be. It would entail a fully independent, viable, contiguous Palestinian state and a secure Israeli one. Their borders would be roughly along the 1967 lines, with some possible land swap between the two, based on mutual agreements.

Granted, this shared understanding seems not yet to extend to notions about Jerusalem, although even here there is much support on both sides for some kind of compromise.

It is precisely because “the basics” are in place that there is room for working them out in more detail. Without such a clear vision, it is hard to see people on either side putting new hope into what must be their shared future.

No settlement can be complete, or even merely reasonable, without attending to the refugees, including getting them out of camps. Ignoring their conditions, rights, and aspirations is not conducive to a lasting peace.

Two criteria must be met, beyond financial compensation. First, because a two-state solution is based on the notion of self-determina-

tion for two peoples, the Jewish character of Israel must be preserved through a robust Jewish majority. The second is that a solution must not be imposed on the refugees. They must be offered several options for permanent settlement, including in the Palestinian state.

Whatever final status agreements are made, the process must involve the people on the ground, not just diplomats. There has been too much death and destruction, too much hate and mistrust, and too much discourse of intransigence to overcome quickly.

Hence, while negotiations take place, we call for a process of cooling off, of preparing the public for compromise. Some unilateral gestures would help, such as under-responding rather than over-reacting to perceived transgressions; dismantling of some of the outlying Jewish settlements; and the arrest—and continued detention—of those who ignore the Palestinian Authority's ban on attacks on civilians.

A settlement of the Palestinian-Israeli conflict, or even the Arab-Israeli conflict, will neither end troubles in the region nor the challenges facing U.S. policy, but it is an important step toward tackling many of the region's ills. No issue is as critical to the political psychology in the region or to the perceptions of America as the Arab-Israeli conflict.

Clearly, the official positions of Israeli and Palestinian leaders are far from our outline of a settlement. Public support for tougher positions has also increased with every death, because people are losing faith in the possibility of peace—even as majorities continue to crave it. Among Americans who care about Arabs and Israelis, we find many who have been pained not only by the bloodshed, but also by the polarization of the past few months—but who refuse to be drawn into separate camps. Polls indicate they may even be a torn silent majority.

Now is the time to rally behind a vision of a fair, peaceful option that saves lives, and to postpone an accounting of history.

ESSAYS

MORAL IMPERATIVES

War without Sacrifice? The Loss of Personal Responsibility

Cheyney Ryan

It is troubling how detached Americans have become from the decision to go to war. At one time, the question of whether the country should go to war was taken to be of the utmost personal concern. The question of whether “*we*” should go to war was the question of whether *I* should go to war—specifically, of whether I should sacrifice my body, or the bodies of my loved ones, for the purposes of war. Indeed, a prominent concern of the Founding Fathers was to maintain this personal involvement in the question of warfare. They worried that if the question of war became an abstraction—if the question of whether the *nation* should go to war was not experienced as the question of whether *I* should go to war—then disaster might follow.

Well, this is exactly what has happened in the contemporary United States. This essay arose out of discussions with my students at the time of the Gulf War, when I was first struck by how many of them saw no connection at all between whether the country should go to war and whether they would, at the very least, be willing to fight in it. Some of the responses to the current war on terrorism have only increased my concern. Let me explain with an anecdote.

Not long after September 11, ABC News held a “town hall” discussion involving representatives of the Bush administration and an audience of young adults. At several points, administration statements about the importance of collective vigilance were met with sustained applause. One military man asked if the nation was truly prepared for a “30-year effort against terrorism”—and there were resounding calls of “Yes!” But one remark near the end, above all, got the most applause. It was in response to one young man’s anxious question, when an administration representative said, “No, we have absolutely no intention of reviving the draft. “

I can understand not wanting to be drafted. But surely the audience’s clamorous response to the assurance that *they* would not be asked to serve is curious, to say the least. What does it mean to support or call for a war and its sacrifices if one is not *oneself* willing to make those sacrifices? Should conscientious citizens only support wars in which they are in fact willing to die, or is this too high a requirement? How did it happen that the question of war became, as I believe it is, so detached from questions of personal responsibility? How should we think about reconnecting the two? Let me begin with the normative question.

The Principle of Personal Integrity

As I said, it was during the Gulf War that I was first struck by how differently I thought about war than some of my students. Discussing the wisdom of that war with them, I’d note that the first question for me was:

Are the Gulf War’s aims worthy enough for *me* to die in that effort?

My thinking was that if I did not deem that war worthy enough for me to die in it—tomorrow, say—then how in good conscience could I endorse policies that ask someone else to make this sacrifice? To do so would be a bit like saying: “I am all in favor of social policy X, a policy that will impose an enormous cost on a certain number of people—but I am not willing to bear that cost myself. I support it, rather, in the full knowledge that I will *not* be asked to bear that cost.” As an academic philosopher, I’m inclined to restate the thinking here in terms of a more general principle for thinking about personal responsibility and military action:

You should only endorse those military actions of your country in which you yourself would be willing to give your life (tomorrow).

For shorthand, let's call this principle the *Principle of Personal Integrity*, or *PPI*.

I call it a principle of "integrity" because the reasoning behind it would seem to be this: when I endorse particular military actions of my country, then I, as a citizen of a democracy, am asking some of my fellow citizens to participate in that war and die in it. The issue of integrity is that if I ask a fellow citizen to do something, then I ought to be willing to do it myself. Standing behind the issue of integrity is the value of reciprocity, which political philosophers have recently identified as the heart of liberal thinking. To violate the PPI is to impose an unfair burden on others.

The reasoning endorsed here is importantly hypothetical. The issue is not whether I am in fact willing to die in the war tomorrow, for there may be good reasons why I am not that are compatible with still supporting the war. For example, someone might support a war but reject actually dying in it because he or she has already served in the military and hence has already assumed that burden. But note that the exception here itself assumes the principle of reciprocity, and I suspect that all other exceptions assume it as well. Even veterans, though, must be willing to say that they *would* be willing to die in the war tomorrow, but for their veteran status. If they are not, then they cannot legitimately support the military action, according to the PPI.

I must admit that when I first started thinking about these matters it seemed to me that the reasoning here was fairly trivial. Of course one should not support a war without being personally willing to make the sacrifices war requires. But while the occasional person agrees with me (they are usually from the World War II generation), the overwhelming response is otherwise. Fellow political philosophers often respond that my principle is either flatly false or dramatically overstated. I'll say something about their objections below, though not nearly enough to address the questions that can be raised.

The more interesting response—from a sociological standpoint—is the one I encounter in young people, which verges on outright incomprehension. What could my supporting a war *possibly* have to

do with my own willingness to die in it? One person who has noted this curious disconnection is William Bennett, whose organization conducted a poll in June 2002 which found that whereas almost 70 percent of young people agreed with the United States's right to invade Iraq, an almost equal number would refuse to participate themselves. Bennett's concern was a lack of moral fiber, but the attitudes of young people reflect important changes in our political arrangements that have institutionalized this disconnect. What are those changes?

Distancing Citizens from War

The question returns us to my opening remarks about the Founding Fathers. A major political issue of the 17th and 18th centuries was the existence of a "Standing Army." Roughly, a standing army was a permanent, professional army answerable to the king only. It was regarded as a source of great evil, which is why the American colonists became so alarmed when they perceived one arising on their own shores in the form of the British Redcoats. Jefferson's Declaration of Independence cites as one of King George's crimes, "He has kept among us, in times of peace, Standing Armies without the consent of our legislatures," and at least five of the other grievances it lists are variations on this theme. Anti-Federalist anxieties over the re-institution of a standing army were central to the debates over the Constitution, which is why the topic is a recurring one in the *Federalist Papers*. A good many sections of the Constitution are directed to preventing such an army from arising, such as the requirement that the military budget be reviewed every two years, and—interestingly enough—the notorious Second Amendment on the right to bear arms.

The main alternative to a standing army was the idea of a "people's militia": a nonprofessional, non-permanent military force composed of ordinary citizens. Proponents argued for such a militia on several grounds that are relevant here.

They argued that in a republic it is imperative that the costs of state actions be borne by average citizens. Hence, the financial costs of wars should be covered by general direct taxation, and not—as they typically were in those days—by government borrowing. And the personal, that is, *bodily* costs of war should be borne by average

persons via a citizens' army. Both points draw on the political tradition of classical republicanism as developed in the works of Machiavelli, Rousseau, and the Commonwealthmen. We also find them both in Kant's great essay on "Perpetual Peace," whose first sentence bemoans those "heads of state who can never get enough of war," and whose first section attacks the use of debt to finance wars and insists that defense be carried out by "the voluntary periodic military training of citizens."

That average persons should count on bearing the costs of wars was regarded as a requirement of personal morality (what I have called integrity). In fact, Kant maintains that paying men to kill or be killed violates their "rights of humanity." General citizen involvement in wars was also seen as contributing to a kind of democratic prudence. The Founding Fathers reasoned that if average citizens know that the costs of a war will be extracted from their purses or bodily persons, they will exercise much greater caution in endorsing that war. This point lies at the heart of what has come to be called the "democratic peace thesis"—the notion that democracies will be less inclined to go to war because they impose the costs of wars on the average citizens who, through their representatives, decide whether or not to go to war. Kant speaks of how they will weigh the "calamities" of war seriously because they can count on "doing the fighting themselves" and "paying the costs of war from their own resources."

The extent to which these guiding concerns of the Founding Fathers have been cast aside in recent decades is remarkable. The financing of wars through deficit spending is a case in point. Contrast Franklin D. Roosevelt's careful attempts to prepare World War II America for higher taxes with Lyndon Johnson's financing the Vietnam War through borrowing, which destabilized the economy for years. Or consider the Bush administration's program of cutting taxes and financing the war through borrowing. Even more striking is the radical departure from the notion that in a democracy a professional army is one of the worst conceivable evils and that wars must be fought by average citizens—or not at all.

The turning point here, as with so much else in military policy, was Vietnam and the end of the draft. Both World Wars I and II had involved universal conscription, which may have lacked the volun-

tary character of the militia but still institutionalized the link between endorsing war and fighting in it. Hence the image of the “citizen soldier” for whom citizenship and military service were two sides of the same coin. The nostalgia for this notion in films like *Saving Private Ryan* suggests how far we’ve strayed from it. The Vietnam draft introduced class and racial biases that were surprisingly absent in previous 20th-century wars, but as a member of that generation I can attest to the fact that the prospects of fighting were still very real.

Everything changed when Nixon ended the draft, in an attempt to counter antiwar feeling in the middle class by removing the threat of service. Many forget that it was liberals like Edward Kennedy that opposed Nixon’s act, partly on the grounds that it would institutionalize a professional military inordinately composed of the black and brown. History has proven Kennedy right. Minorities are overrepresented in the military, particularly in the fighting wings. Since World War II, when the sons of politicians were just as likely to serve, there has been a steady decline in the number of senators or representatives whose children fight in our wars, so that today it is basically nil.

The draft is no longer necessary because manpower needs have changed. America’s wars no longer involve a massive infusion of troops; they are more reliant on high-technology. But this change is not simply the result of some autonomous logic of war; it is as much a product of conscious policies to lessen war’s impact on the average person. Take the case of technology: starting with World War I and the extraordinary amount of resistance it generated among both civilians and soldiers, particularly at the war’s end, military policymakers sought ways to replace manpower with technology so as to avoid the kind of massive battles that war involved. This is a key to understanding World War II. It explains the heavy reliance on air power in the European theater. It lay at the heart of the most serious disagreement between Britain and the United States on how to fight the war: Churchill consistently resisted opening a second European front in the hope that other means, primarily air power, would bring the Germans to their knees.

World War II was still a mass war, but the orientation of policymakers has continued to be replacing manpower with technology, particularly with air power. Like Churchill and World War I,

American policymakers responded to the resistance of both civilians and soldiers to Vietnam by envisioning new forms of war that would have minimum impact on the citizens of their own country. Hence the development of exotic “smart” weaponry that has rendered possible military actions with almost no American casualties. Another product of the Vietnam experience is the so-called “Powell Doctrine,” which insists that military engagements be kept as short as possible and only be fought when there is massive military superiority, as in the case of the Gulf War or Afghanistan. The aim, again, is to avoid the negative impact that drawn-out, difficult conflicts like Vietnam had on the morale of both civilians and soldiers.

There is much to applaud in these developments. We can be glad that a smaller and smaller number of Americans have to fight, and the development of smart technologies helps minimize civilian casualties among our opponents. But the question I am raising involves the downside of all of this, the extent to which it distances war from the average person’s concerns in ways that evoke the traditional standing army. Theorists like Kant called for the abolition of such armies (“*miles perpetuus*”) from the fear that they lead to endless conflict. Our current arrangements may, similarly, make military adventurism more likely, but with the constraint that actions be limited so as not to impact ordinary persons too much. We see this limitation in the current war on terrorism, in which sacrifice for the average citizen involves at most giving blood, donating money to charity, or—as the president has requested—hugging one’s children. The upshot of all of this, I’ve been suggesting, is that the question of war is no longer treated with the requisite moral seriousness.

The Willingness to Die

Some people will respond to what I have said by challenging the principle that it assumes. They will maintain that the failure of citizens to abide by the PPI does not reflect any lack of moral seriousness. What it reflects is the fact that the PPI isn’t true. Although this essay is not an attempt to justify the PPI fully, I will try to respond to at least some of the major objections to it to motivate my claim that society’s departures from it are worrisome.

At the heart of the PPI is the notion that one should be willing to bear one’s fair share of the cost for the policies one endorses—in this

case, for the wars one endorses. A major objection to the PPI is that it overstates what that “fair share” is in stating that one should be willing to *die* in the war tomorrow.

This characterization is obviously quite dramatic. Someone might respond: My support for a war at most commits me to assuming the cost of *participating* in that war. Hence it does not commit me to dying in it. Rather, it commits me to assuming a certain risk of dying. And that risk is in fact very small. In modern war, only a small percentage of the people in most armies fight at all, and only a small percentage of them die. So the question in supporting an action like the war on terrorism is not “Would you be willing to die there, tomorrow?” but “Would you be willing to assume an N% risk of dying there, where ‘N’ is very small?” My general principle—the PPI—should be reformulated accordingly.

Someone might elaborate on this point by introducing a parallel. War may involve dying, they might say, but so do many other activities that society engages in. When the Verrazano Narrows Bridge was built in New York, a number of workers were buried alive in cement. Some people probably die in any large construction project. It does not follow that if I’m in favor of building the Verrazano Narrows Bridge then I must myself be willing to be buried in cement tomorrow. Almost every activity involves the assumption of some risk. Even college professors are shot every once in a while by irate students. It does not follow that endorsing higher education means being willing to bear the ultimate cost for it.

There are several ways to respond to this challenge. Let me focus on the soldier/construction worker parallel.

Both soldiers and construction workers may accept a risk of dying, but soldiers actually accept more than this. When you become a soldier you are not just expected to risk death, you are expected to die—if the circumstances require it. This is implicit in the fact that a soldier, unlike a construction worker, can be ordered to die if need be. Hence soldiers are taught that they have a duty to die for their country, but no construction worker is taught that there is a duty to die for a bridge. War is about dying in a way that building bridges is not, and this is why the fact of death is treated so differently. When soldiers die they are honored for giving their lives for their country,

the assumption being that the sacrifice is one that they have chosen for themselves. But while workers may die in the course of construction, no one “gives” his or her life for a bridge; the loss is an accident to be regretted, not a sacrifice to be honored.

In discussions of this matter, some have challenged the notion that soldiers can be ordered to die. Obviously, soldiers are not ordered to die in the same way that, say, suicide bombers are compelled to die. But to conclude from this that soldiers are not in some larger sense ordered to die is a mistake, as the words of our generals confirm. When General George C. Marshall ordered American troops to defend the Philippines at all costs, he made a special point of remarking to his colleagues on the burdens posed “by a command to other men to die.” The real issue, as theorists like Michael Walzer and George Kateb have noted, is that the obligation to die that soldiers possess is difficult to square with a certain liberal individualist picture in which the ultimate basis of all political arrangements is a basic regard for oneself. Reflecting on the “absolute obedience” required by the military, John Locke in his *Second Treatise of Government* notes the anomaly in the fact that while a superior officer can command a soldier “to march up to the mouth of a cannon . . . where he is almost sure to perish,” that same officer is prohibited from demanding “one penny of his money.”

Joining an army means being willing to sacrifice oneself when called. It may well be that very few soldiers are called to do this, but all soldiers, by joining the military, consent to being so called; they agree to give up their life if need be. What the PPI maintains is that if *this* is what we are asking of soldiers—that they give up their life if need be—then we should be willing to do it ourselves. I have added the proviso “tomorrow” to mark the fact that the minute you become a soldier you could be asked to die tomorrow. Responsibility for going to war, then, is not simply about assuming a risk of dying, it is about being willing to die when called to do so.

I have been speaking of what people “agree” to do and what they are “asked” to do when they become part of the military, but this language is deeply problematic for characterizing modern war. Until recently, almost all modern wars involved some form of conscription that called young men to service whether they liked it or not; refusal

to serve meant substantial jail time. A professional military of the kind we have now involves more consent, but there is still the issue of how much economic factors compel the disadvantaged to enter the military. Insofar as society does compel people to enter the military and to make the ultimate sacrifice, I should think that this makes the imperative all the stronger that supporting a war should mean being willing to make the ultimate sacrifice oneself. The issue here is not whether you should ask someone to do what you would not do yourself, but whether you should compel someone to do what you would not do.

Reconnecting War and Personal Responsibility

How might we reawaken the sense of personal responsibility towards war that I've argued animated some of the Founding generation and that I've formulated as the PPI?

Our leaders and their families could set the standard. In previous wars, the children of presidents were some of the first to step forward to serve, on the principle that fighting a war should engage everyone, great and small. It has been remarkable to me that despite the administration's projections that the current war on terrorism could last 30 years, and despite President Bush's general call to service in his speech marking the one-year anniversary of September 11, not a single family member of any top administration figure has stepped forward to enlist in the military or to serve in any other way, even though from President Bush on down almost all of them have military-age children. Perhaps the only thing more remarkable is that nobody finds this remarkable, a testament, I think, to the disconnection of war from personal responsibility.

I've suggested that the social basis for this disconnection lies in the absence of anything like universal conscription. But it does not follow that the solution lies in returning to conscription. First of all, changes in military technology and policy have rendered unnecessary the kind of large numbers that would need to be drafted. So even if we had a draft, the chances of being drafted would be so small that they probably wouldn't impact the average person's experience of war. A second and more important point is that the draft is a substantial violation of individual freedom, certainly more substantial than

any other claim of community requires. Any program of instituting military service, perhaps as part of a more general community service program, must be ready to address this problem.

What we need is a debate about how to reconnect going to war and personal responsibility. Nixon's actions to end the draft elicited very little debate, in large part, I'm afraid, because so many of the public figures who might have initiated such a debate were happy to have their children spared the risk of serving. The last significant extensive public discussion of these matters occurred in the late 1940s at the start of the Cold War, around the adoption of the first peacetime military conscription. Several of the issues I have raised were prominent in that debate, including America's traditional anxieties about the creation of a standing army. But as Aaron Friedberg observes in his *In the Shadow of the Garrison State*, the debate was concluded by the mid-1950s and, I would add, it has never really been revisited. Given that we are in the middle of the war on terrorism and that a war against Iraq looms on the horizon, surely it is time to revisit some of these difficult issues.



"Would you mind talking to me for a while? I forgot my cell phone."

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Diversity Within Unity: A New Approach to Immigrants and Minorities

The following platform has been endorsed by over 150 scholars, elected officials, and other public leaders from over 20 countries. It was drafted by Amitai Etzioni and then submitted for a two day communitarian dialogue at an international meeting of scholars and elected officials. The meeting was held in Brussels in November 2001 and was organized by the Communitarian Network.

We, the endorsers of this statement, have come together from many different social backgrounds, countries, and viewpoints to address our fellow citizens about the place of immigrants and, more generally, minorities in our diversifying societies.

Our Basic Orientation

We note with growing concern that very large segments of the people of free societies* sense that they are threatened by massive immigration and by the growing minorities within their borders that hail from different cultures, follow different practices, and have separate institutions and loyalties. We are troubled by street violence, verbal outbursts of hate, and growing support for various extremist parties. These are unwholesome reactions to threats people feel to

** To allow for productive deliberations, we limit this initial examination to well-established nations and those with democratic governments, including those in Western Europe, North America, Japan, and Australia. We do not deal with immigration and identity issues in countries that are in the nation-building stage (and hence might need to first build a shared identity and shared institutions before they face the question of how these might be protected or changed) or in those that rely on a nondemocratic government to deal with the issues at hand. The discussion covers both immigrant and minority groups of citizens within a country.*

their sense of identity, self-determination, and culture—threats that come on top of concerns evoked by globalization, new communications technologies, and a gradual loss of national sovereignty. To throw the feelings of many millions of people in their faces, calling them “discriminatory,” “exclusionary,” “hypocritical,” and worse, is an easy politics, but not one truly committed to resolution. People’s anxieties and concerns should not be dismissed out of hand, nor can they be effectively treated by labeling them racist or xenophobic. Furthermore, telling people that they “need” immigrants because of economic reasons or demographic shortfalls makes a valid and useful argument, but does not address their profoundest misgivings. The challenge before us is to find legitimate and empirically sound ways to constructively address these concerns. At the same time, we should ensure that these sentiments do not find antisocial, hateful, let alone violent expressions.

Two approaches are to be avoided: promoting assimilation and unbounded multiculturalism. Assimilation—which entails requiring minorities to abandon all of their distinct institutions, cultures, values, habits, and connections to other societies in order to fully mesh into the prevailing culture—is sociologically difficult to achieve and unnecessary for dealing with the issues at hand, as we shall see. It is morally unjustified because of our respect for some normative differences, such as to which gods we pray.

Unbounded multiculturalism—which entails giving up the concept of shared values, loyalties, and identity in order to privilege ethnic and religious differences, presuming that nations can be replaced by a large number of diverse minorities—is also unnecessary. It is likely to evoke undemocratic backlashes, ranging from support for extremist, right-wing parties and populist leaders to anti-minority policies. It is normatively unjustified because it fails to recognize the values and institutions undergirded by the society at large, such as those that protect women’s and gay rights.

The basic approach we favor is diversity within unity. It presumes that all members of a given society will fully respect and adhere to those basic values and institutions that are considered part of the basic shared framework of the society. At the same time, every group in society is free to maintain its distinct subculture—those

policies, habits, and institutions that do not conflict with the shared core—and a strong measure of loyalty to its country of origin, as long as this does not trump loyalty to the society in which it lives if these loyalties come into conflict. **Respect for the whole and respect for all is at the essence of our position.**

We observe that such diversity within unity enriches rather than threatens the society at large and its culture, as is evident in matters ranging from music to cuisine, and most notably it greatly enhances the realm of ideas to which we are exposed and expands our understanding of the diverse world around us. We further note that, in each society, the basic shared core of identity and culture has changed over time and will continue to do so in the future. Hence minorities that hold that this core does not reflect values dear to them are free to act to seek to change it—via the democratic and social processes available for this purpose in all free societies.

The unity of which we speak is not one imposed by government orders or regulations, not to mention by police agents, but one that grows out of civic education, commitment to the common good, the nation's history, shared values, common experiences, robust public institutions, and dialogues about the commonalities and requirements of a people living together and facing the same challenges in the same corner of the earth.

Such diversity within unity allows one to fully respect basic rights, the democratic way of life, and core values, as well as those minority values that do not conflict with it.

Which elements belong in which category—the realm of unity or of diversity—is a matter that can be readily decided about many key items. Basic rights must be respected by one and all. For instance, discrimination against women cannot be tolerated, whatever a group's cultural or religious values. Respect for law and order is essential. Democratic institutions are not one option among several. No one who seeks citizenship in a given country, and membership in a given society, can buy out of the collective responsibilities that society has for its past actions and toward other societies, assumed by treaty or otherwise.

At the same time, little deliberation is required to recognize that there is no reason to object if minorities are keen to maintain their language as a second one, close ties with another country (as long as they do not trump loyalty to the current country, as already indicated), and special knowledge and practice of their culture. All of this is not to deny that much deliberation and public dialogue are called for on contested issues such as how “law and order” is to be interpreted and how strong and how deep down liberal democratic approval should go. Deliberation and public dialogue are also crucial before one can conclude whether certain other items belong in the realm of unity or diversity, as is explored below.

In short, we ought not to sacrifice unity or diversity to the other part of the equation, but ought to recognize that we can learn both to live with more diversity and to protect well legitimate unity.

Issues and Policies

The Law: Variances, Basic Rights, and Compelling Public Interest

Assimilationist models favor maintaining universal laws—those that apply to all citizens and other people within a given jurisdiction. They tolerate some variations and exemptions, but those are to be based on individual needs (e.g., mental illness) or demographic categories (e.g., minors), not on ethnic or racial groupings. Group rights are not recognized.

Unbounded diversity favors allowing each community to follow its traditions, even if they conflict with prevailing laws (for instance, allowing for forced marriages and female circumcision), although most pro-diversity approaches recognize that some universal laws must be observed. According to this approach, ethnic and racial groups should be granted a great measure of autonomy to set and enforce their own laws, either by being accorded considerable territorial autonomy or community-based autonomy—for instance by religious authorities such as imams or rabbis. Also, by this approach, people are viewed as imbued with strong rights just by being members of a protected group, such as native Canadians or Americans.

The diversity-within-unity (DWU) model favors a *bifocal approach*: it sharply distinguishes between those laws that all must abide

by and those for which various group-based variances and exemptions are to be provided. Although there is room for disagreement on what falls within these two categories, several criteria suggest themselves as principled guides to which laws and policies must be universal, and which can be group-particular.

Leading the universal category are *basic human rights*, as defined by the country's constitution, basic laws, the laws of regional communities such as the European Union, and the United Nations Universal Declaration of Human Rights. Thus no one can be legally bought and sold, detained without due process, refused the right to vote, and so on, by any member group of any society. Leading feminists are correctly opposed to several group variances because they fear that these would entail "losing whatever we gained in terms of gender equality."

Compelling public interest provides another universal criterion. If carrying guns is considered a major safety hazard, no group should be exempted from this rule. The same holds for violations of public health, such as a refusal to immunize children. (Many states in the United States, and other countries such as the Netherlands, exempt parents who claim religious objections from this requirement, a policy that deeply troubles public health officials.)

Whatever is not encompassed in such policies should be considered legitimate subjects for variation. These might well include variances regarding laws, such as those concerning closing days (e.g., laws might require shops to be closed one day a week, but not necessarily Sunday) and those concerning animal rights (to allow ritual slaughter); variances on zoning regulations (e.g., to allow building mosques); exemptions to allow the use of controlled substances during religious services; and some limited exemptions from various occupational safety, food preparation, and related regulations to help newly established ethnic businesses. (Some of these variances might be limited to a transition period and combined with helping immigrants and minorities in general to adapt to the prevailing laws.)

Arguments that territorial groups or the home-born have a higher level of rights than immigrants are incompatible with the DWU model. Indeed, groups that are territorially concentrated are more inclined than others to push diversity to the point that it may endan-

ger unity, as we witness with groups that are concentrated in one given area, which are much more likely to secede than dispersed groups. Some minority groups may have legitimate reasons to seek to secede, but this constitutes the death knell of unity. While in the past struggles for self-determination were usually involved in the break-up of empires and hence as a rule enhanced democratic representation, regions that now break away from democratic societies are unlikely to enhance self-government and may well weaken it.

Our focus is on practices, not on speech. Thus, it is acceptable for a given group to advocate illiberal practices, but until the laws or constitution are changed, the group should not be allowed to practice them, and surely not impose them on others. Extreme followers of one religion or another may argue that banning some of their practices undermines their whole distinct culture; however, being a member of a free society entails avoiding practices that treat any members in ways that violate their basic rights.

There are no reasons to oppose compromises—if they meet the criteria just articulated. Thus, if Sikhs are willing to wear their daggers but modify them so they cannot be unsheathed, that might bridge the difference between subculture and basic laws.

Whatever position one holds regarding economic equality and social rights, we assume that all people have the same moral worth bestowed upon them just by being human, whether or not they are citizens, and that discrimination based on race, ethnicity, religion, or gender is illegal. (Whether this applies to private organizations, such as social clubs that receive no public support or tax exemptions, is an open question.)

Rights carry with them corollary responsibilities. This principle can be fully applied to member groups. Thus if a nation is engaged in war with another nation, minority members who have historical and cultural ties to that other nation must serve in the army of the new homeland, like other citizens. If fight we must, no one is exempt on the basis of being a member of a specific racial or ethnic group. (People who are conscientious objectors on religious or secular ethical grounds, assuming their commitments are verified and they are willing to engage in alternative national service, may well be exempt.)

The same holds for attending to one's children, paying taxes, Good Samaritan acts, and so on.

State and Religion

Most of the states here under discussion have historically had (or still have) one religion they formally recognize as their only one—Christianity in many of them (including a specific version of it, such as Lutheranism in Sweden). In addition, these states provide extensive financial support directly and indirectly to the institutions of the official state religion, mainly for clergy and places of worship. (France and the United States are the exceptions in this regard as, in the commonly used phrase, they have no established religion.) Almost all of these nations now face massive immigration and growing numbers of minorities that believe in different religions, especially Islam.

Where might one go from here? One option is to maintain the official church. Although often the official religions have placed relatively few demands on people (whether members of minorities or the majority), supporters of assimilation in effect expect considerable stripping of the beliefs held by minorities, who often have strong religious commitments. Importantly, under this approach, minority children are expected to attend public schools in which the values of the governing religion are taught; minority residents and citizens are required to participate in public events in which the prayers are those of another religion; and public life is studded with symbols of the governing religion and laws reflecting it. This is a maximal challenge to diversity.

A second option is to lift all religions to the same status as the official one. This would entail not only fully supporting the clergy and places of worship (and social services) provided by all religions, but also opening official events with multiple prayers, displaying in public buildings and schools religious symbols of all groups on an egalitarian basis, and so on and on. Such a move would likely be perceived as a direct assault on the historical and cultural identity of a nation, and would be apt to lead to a high level of contention. It would undermine unity considerably.

A third option is for the official standing of the prevailing religion to gradually lapse (as it did in Sweden). Under this model, no new

religion would be recognized as the official religion of the state, but financial support for the clergy and places of worship of all religions would be provided. The amount would be determined by the number of people who indicate, annually, that a given religion is theirs. (This would get the state out of the business of determining who is entitled to get support.) This is especially an issue for countries that rely heavily on voluntary associations and social groups to administer social services paid for by the public, as is common in parts of Europe. If religious groups are not included, this amounts to discrimination against those whose primary social affiliation is religious. At the same time, no such support should be available to groups that promote values, whether religious or secular, that are illiberal.

This third model is most compatible with the DWU approach because removing formal recognition of any state religion puts all religions on more equal footing (at least in legal terms and financially) without directly challenging history and identity. Although such a move constitutes a step away from tradition, it does not replace it with any new official requirements. It allows the majority to retain a sense of the centrality of its values (which is not fully satisfactory to minorities). At the same time, it allows the minorities to recognize that the majority has accommodated them in a major way (which leaves some of those who hail from the majority less than fully content). This model allows for diversity without explicitly undermining unity. (It finds a precedent in the way shops were once required to be closed on Sundays, for religious purposes, but are now allowed to have a closing day suiting any religion—say, Friday or Saturday—without officially demoting Sunday.) The sensibilities of the majority are also to be respected.

DWU Schooling

Schooling should be used neither to suppress all cultural differences and distinctions, nor to reinforce the segregation and ghettoization of minorities.

The assimilationist model assumes that immigrants and minority members of society will be taught in public schools, that they will be taught basically the same material as other members of the society and more or less the same material as was previously provided. An

unbounded diversity model calls for setting up separate schools—publicly supported—and distinct curricula for various ethnic groups from kindergarten to grade 12, such as, for instance, separate Muslim or Jewish schools, not merely as “Sunday” schools but as full-time schools.

A DWU approach, based on the concept of neighborhood schools, suggests that

- (a) A major proportion of the curriculum—say, 85 percent or more—should remain universal (i.e., part of the processes that foster unity). The commonalities of sharing 85 percent or so of the curriculum are intended not merely to ensure that all members of the next generation are exposed to a considerable measure of the same teaching materials, narratives, and normative content, but also that they will mix socially. Hence, teaching the same material but in ethnically segregated schools is incompatible with our approach. (Granted that the segregating effects of such schooling can largely be mitigated if schools teach a considerable amount of the “universal” material and endeavor to provide for social mixing, if not in their own confines, elsewhere.) Although teachers of all backgrounds should be welcomed, insisting that children must be taught by teachers who are members of their ethnic group is not compatible with the DWU model.
- (b) Minorities should have major input concerning 15 percent or so of the curriculum; this could be in the form of electives or alternative classes in which students particularly interested in one subject or history or tradition could gain enriched education in that area.
- (c) The universal, unity-related content of the curriculum should be recast to some extent to include, for instance, more learning about minority cultures and histories.

Bilingual education might be used, but only during a transition phase before mainstreaming begins and not as a continuous mode of teaching that is, in effect, segregated along ethnic lines. (Reference is to education that is conducted in the languages of immigrants and not to educational policies in a country that has historically embraced two or more languages.)

Of particular concern is the teaching of values. This issue is highlighted by the fact that many of the most contentious issues in

schools, ranging from displacing crucifixes to requiring Muslim girls to wear swimsuits to banning Sikhs' traditional turbans, relate to religion.

One may start with the observation that schools must help develop character and teach basic values rather than merely being institutions for learning "academics." One may also assume that the classes that all pupils will be required to attend (the unity sector of 85 percent-plus) will include classes in which basic civic values will be taught, such as respect for the constitution or basic laws, human rights, the merit of democracy, and the value of mutual respect among different subcultures. (These are to include civic practicums, such as playacting as parliament or civil court or doing community service.) But such education may well not suffice to provide the needed character education and is unlikely by itself to provide a sufficient substitute for the substantive values taught in the past by religions. Given that schools are in the character education "business," the question must be faced, what substantive values are they to instill beyond narrowly crafted civic virtues?

Providing public school classes for each religion (in line with the notion of equal official recognition of all religions) and allowing students to choose which to attend (including classes in secular humanist ethics) helps diversity, but does little for unity. One way to improve on this approach is for public schools to work with the various religious groups to ensure that the teachers selected for religious teaching (and the teaching materials they use) refrain from advocating or implementing illiberal religious practices. (Although we previously stated that we do not object to illiberal advocacy as distinct from practices, children, whose hearts and minds have not yet been formed, require extra protection.) It might be said that a democracy should tolerate the teaching of antidemocratic values so long as those who hold them are not seriously challenging the democratic system. However, not all the societies at issue have long-established and well-grounded democratic polities, and hence straining them is not called for. Above all, without leaving fundamentalism out of classrooms, no sufficient sharing of values may be found.

Many of us hold that only public schools can provide an environment in which children are exposed to a rich core of shared values, are

protected from fundamentalism, and mix socially with children from different social and religious backgrounds. Some hold that the same may be achieved in private schools, even if controlled by one ethnic or religious group or another, as long as the state ensures that all schools teach a strong core of shared values. In either case, the same essential criteria must be met if schools are to provide effective opportunities to move toward a DWU model in contrast to a homogenous, assimilationist model or a segregated, unbounded multiculturalist one: a core of shared values and social mixing.

Citizenship for Qualifying, Legal Immigrants

Debates over immigration and citizenship policy have often been characterized by wild swings between emotionally fraught, divisive positions and radical proposals for assimilation or unbounded diversity: either we end all immigration or we open our borders to virtually anyone; either immigrants are a burden on taxpayers and responsibility for integration rests solely with newcomers or all newcomers should be given substantial public assistance and helped to maintain their cultures, languages, and identities; either all illegal immigrants should be deported immediately or there should be no distinction between legal and illegal immigrants.

A diversity-within-unity approach emphasizes that societies are best served if those who are legal immigrants, and have met educational requirements, are allowed to become full citizens rather than treated as guest workers, which is often a term that conceals their true status as permanent, but second class, residents. The key to a democratically defensible and economically viable approach to immigration is to make decisions up front about the scope and nature of immigration that the nation favors. Then the government can provide permanent status for those admitted and facilitate their access to citizenship. This approach offers a more sensible way to staff the labor market, unite families, and allow citizens to assess the way immigration is shaping the national economy and culture.

Cultural preferences—for example, for Spain to prefer immigrants from Spanish-speaking countries—are acceptable because they help sustain unity, so long as they do not prevent immigration for family reunification or refugee purposes and are based on culture

rather than race or blood. Public support for immigration also requires that enforcement policies are carried out. Hence, better border control, employer sanctions, perhaps even a national identity card for all legal residents, are best included in any approach that aims to create an effective, publicly defensible system. (These measures do not apply to true political asylum seekers.) More serious efforts to enforce immigration laws that are coupled with sound and transparent criteria for admission will also provide a way of dealing with the ongoing reality of illegal immigration in ways that are consistent with core democratic values. As such a system is introduced, a society can reorient its citizenship away from representing only a bundle of rights and towards an emphasis on civic participation and responsibility.

For legal immigrants, democratic nation-states must provide fair and objective procedures for admission, including reasonable application costs. Linguistic and educational requirements may well be set higher than the current ones, to ensure that citizens-to-be have acquired familiarity not only with the workings of democratic government but also with the unifying elements of the given society. Consideration may be given that immigrants who have not yet completed their citizenship processes could nevertheless be accorded the right to vote in local elections and to serve in civil service as ways to help them acquire the civic practice that makes for good citizens and to help create a civil service that is better equipped to deal with minorities.

Dual citizenship could be allowed or even encouraged so long as appropriate principles and practices for reconciling conflicts among loyalties can be established—notably the principle that the nation of permanent residence takes priority.

All in all: Citizenship constitutes a critical way a person becomes a responsible and accepted member of a community. Hence it should not be awarded without proper preparation nor denied to those who have completed the required measure of acculturation.

Throughout this section we assume that citizenship is not based on bloodlines or racial membership but is based on becoming a part of a historical community with its own culture and identity. To join this community is to come to share in that history, culture, and identity—up to a point, as characterized by the difference between elements of unity and diversity previously discussed. To reiterate, history does

not stop, and culture and identity continue to be recast, in part under the influence of the new members.

Citizenship should not be a free good, but a communal undertaking, a status and identity that constitutes both rights and social responsibilities. This holds for those who seek to become citizens as it does for those who are already so endowed.

Language: An Inescapable Element of Unity?

The assimilationist model tends to stress that all must acquire the prevailing language (sometimes, as in Belgium, at least one of them), that it should be considered the official language, and that the use of other languages should be banned in official business, courts, ballots, and street signs. Unbounded diversity opposes the recognition of any one language as the official one and seeks to provide a coequal status in courts, documents, etc., to several languages, sometimes a rather large number.

A DWU approach recognizes the strong advantages of having one shared language (two if necessary) and teaching it to all immigrants, minority members, and people whose education is lagging for other reasons. However, the state should provide ample translators and translated documents for those who have not yet acquired the shared language, even if this results in some lowering of the motivation for immigrants to learn the prevailing language.

Neighborhoods should be free to *add* signs in any language, but *not to replace* those in one (or two) of the shared ones. The state may well also encourage keeping the languages of immigrants as second languages and the teaching of second languages in general.

Core Substance, Symbols, National History, Holidays, and Rituals

In numerous situations, differences arise concerning matters that are relatively limited in importance in their own right but acquire great symbolic meaning regarding the rejection, or partial or full acceptance, of people of diverse cultures. These include dress codes (e.g., regarding girls wearing headscarves), boys and girls swimming together, the display of ethnic versus national flags, areas in which ethnic celebrations can take place, noise levels tolerated, and so on. In effect, practically any issue can be turned into a highly charged

symbolic one, although some issues (such as flags) tend more readily to become such.

It is important to recognize that trying to deal with these issues one by one, or by focusing on the surface arguments, will often not lead to consensual resolution, as the matters at hand typically stand for deeper issues. The contested symbols serve as hooks on which people hang their resentment of those of different cultures (including the dominant one) and of the need to adapt to a different world. These symbols serve as expressions of people's sense that their culture, identity, national unity, and self-determination are all being challenged. **Only as these deeper issues are addressed might societies be able to work out satisfactory resolutions of the symbolic issues.**

Attacking deeply felt and deeply ingrained sentiments, denying that immigrants or minorities are different, and so on—especially labeling all such sentiments as “racist” or “xenophobic” prejudices and demanding that people drop them or be subject to reeducation if not rehabilitation—is as unfair as it is counterproductive.

A DWU position indicates that we understand why people feel the way they do, but also assures them that the cultural changes that they must learn to cope with will not violate their basic values, will not destroy their identities, nor end their ability to control their lives. Indeed, it is the prime merit of the DWU approach that it allows such a framing of the issue, not as a public relations posture or a political formula, but as a worked-out model of laws, policies, and normative concepts that gives substance to such assurances.

Once this basic position is established, we note that adhering to old patriotism, which demands an unquestioning embrace of a nation's past, is just as inappropriate as calling for the dismantling of national identity in order to accommodate diversity. Thus, to expect immigrants from previously colonized countries to see great glory in the imperial past is not compatible with the DWU model any more than is calling on a nation to give up its shared values, symbols, and meanings and to become merely a thin and formal affiliation. **Arguments to “rethink what it means to be British” (or French, etc.) are welcome if they mean to redefine commonalities and to point to legitimate differences, but not if they are code words for abandoning shared substantive meanings and values.** Nor should one as-

sume that even in a full-fledged European federation national identities and cultures will vanish in the foreseeable future, thus dissolving the deeper issues at hand.

The assimilationist model favors stressing the nation's shared fate and glorious achievements in textbooks (especially those concerning history), national holidays, and rituals. Some champions of unbounded diversity call for redefining history as long periods of lessons in national disgrace (for example, one scholar suggested that American history be taught as a series of abuses of minorities, beginning with Native Americans, turning to slaves, then to Japanese Americans during World War II, and so on). Others favor separate ethnic and religious holidays, such as Christmas, Hanukkah, and Kwanzaa, to replace rather than supplement shared national holidays.

The DWU position on these issues remains to be worked out. As far as the teaching of history is concerned, surely many would agree that to the extent that textbooks and other teaching materials contain statements that are truly offensive to minorities, they should be removed or corrected, and that recognition of minorities' contributions to the society should be added. In addition, history of parts of the world other than one's own should occupy an important part in any curriculum. Still, the teaching of history is a major way that shared meanings and values are transmitted and it should neither be "particularized" nor become a source of attack on the realm of unity.

As far as holidays are concerned, a combination of shared holidays (such as Unification Day in Germany) with separate ethnic and religious ones may be quite compatible with a DWU model. In effect, the existence of some ethnic holidays (such as Cinco de Mayo) enriches rather than diminishes the shared culture.

We focus here on shared and divergent values in a society that is a community of communities rather than a mindless, over-homogenized blend. This focus is in no way meant to distract attention from the need to be concerned with economic interests and their articulation and matters dealing with the distribution of power. However, given that these issues have been often explored, our focus has been on values (and related institutions), a core part of any society that is able to sustain itself and change peacefully at the same time.

The most challenging issue of them all is to consider, beyond changes in symbolic expressions and even in laws and policies: **what would be encompassed in a modified but unified core of shared substantive values?** Commitment to a bill of rights, the democratic way of life, respect for basic laws (or, more broadly, a constitutional faith or civic religion), and mutual tolerance come (at least relatively) easily. So do the communitarian concepts that rights entail responsibilities, that working differences out is to be preferred to conflict, and that society is to be considered a community of communities (rather than merely a state that contains millions of individuals). However, as important as these are and as much as they move us forward, these relatively thin conceptions of unity (and those limited to points of commonality—overlapping areas of consensus—among diverse cultures) constitute an insufficient core of shared values to sustain unity among diversity.

The challenge for the DWU model is to ask how the realm of unity, however restated, can be thick enough without violating the legitimate place of diversity. The answer may be found in part in secular humanist values and ethics (including respect for individual dignity and autonomy) and thicker communitarian values that spell out our obligations to one another. It may encompass a commitment to building still more encompassing communities (such as the European Union), to assisting those in need in the “have-not” countries, and to upholding the United Nations Universal Declaration of Human Rights. Still, the question stands as to what will provide a source of shared commitments to define and promote what is right versus wrong, and what will provide an answer to transcendental questions of life, as far as they concern public life, if it will not be based on religious doctrines, nor be sheerly relativistic or based on the beliefs of particularistic groups.

The DWU approach is a work in progress. It does not claim to have all or even most of the answers needed to bridge the schisms that have opened up between many immigrants and the majorities in the free societies in which they live. It does offer, we state, a basic orientation that respects both the history, culture, and identity of a society and the rights of members of the society to differ on those issues that do not involve the core of basic values and universally established rights and obligations.

Endorsers are of one mind on the broad thrust of this platform and the necessity of this intervention into the current dialogue, without necessarily agreeing with every single, specific statement. We look forward to future discussions of how this platform applies to other problems that arise and to various different societies.

For a history and overview of the Diversity Within Unity project and a list of endorsers, plus German and Spanish translations, please visit www.communitariannetwork.org. Responses to the platform will be published in future issues.

CALL FOR PAPERS

Third Communitarian Summit
Washington, DC, July 9-11, 2004

The summit will take place simultaneously with a meeting of the Society for the Advancement of Socio-Economics. The Communitarian Network invites paper proposals on any of the following topics: communitarian theory and philosophy; autonomy and social order; rights and responsibilities; the moral voice, moral dialogues, norms and laws; the moral infrastructure; family; character education; informal rituals and the ways we celebrate; the community of communities; the global community; and universal values. For details, please visit www.communitariannetwork.org.

Is Interracial Marriage Morally Wrong for African Americans?

Anita L. Allen

Interracial marriage raises serious moral questions for African Americans. Many African Americans see out-marriage as a betrayal of the black community, as a source of grief and trouble for families, and as a sign of a lack of respect for oneself. These are reasonable concerns, but, I will argue, they should not be overriding ones.

Loving v. Virginia settled the question of the constitutionality of laws prohibiting marriages between persons of different races. In *Loving*, the United States Supreme Court determined that state laws banning “miscegenation” violate the Equal Protection Clause of the 14th Amendment. Since *Loving*, a higher percentage of Americans have married across racial lines. The rate of black/white intermarriage has quadrupled. As the number of mixed race families and offspring has grown, the number of theorists who question the very idea of race and racial classification has also grown.

Even so, marriage between blacks and whites remains atypical. African American/white marriages comprise less than 1 percent—about 0.6 percent according to the 2000 census—of all marriages in the United States. The 2000 census showed a mere 363,000 black/white married couples. The 1990 census showed that 97.6 percent of married black women are married to black men, down only slightly from 99.1 percent in 1960. Homogamy is typical for blacks of both sexes. Out-marriage is morally problematic and emotionally loaded for African Americans. They describe hetergamy as potentially disloyal, inconsiderate, and self-hating. In a remarkable study conducted by Univer-

sity of Michigan psychologist Ruby Beale, black women ranked “seeing an interracial couple” as the second leading cause of stress in their lives, ahead of “racism, housework, economic worries, and more than 100 other potential causes of stress” that she measured. I believe the in-marriage pattern among blacks also can be explained by blacks’ sense of moral accountability to one another for their private lives. African Americans feel accountable to one another for the spousal choice. African Americans feel obliged to explain and justify their marriages to whites in particular, but they regard marriages to other blacks as more fully being matters of individual taste and judgment. If your partner is not black, you must explain and justify your choice, in light of the implications of out-marriage for offspring and participation in African-American life. You may be subject to social sanctions of exclusion and censure for making the racially wrong choice.

Marrying Black

The ethics of interracial marriage is a frequent topic of discussion and debate among African Americans of all income groups and social classes. Many African Americans are morally troubled by sexually romantic intimacy and marriage between blacks and whites. They see it as a social pathology of fantasy and stereotypes—“jungle fever.” Moral qualms surface in books and films about black life, and on the pages of magazines and newspapers marketed to blacks. Discussions of interracial intimacy in the popular press are sometimes prompted by the rise to fame of a mixed-race beauty, performer, or athlete, and sometimes by the coupling of a prominent black with a prominent white. In the nationally circulated African-American press, the stance that people should be free to date and marry whomever they like coexists with the stance that blacks have a special obligation to seek black mates. Experts urge black women who are tempted to cross the color line to give older, younger, and lower-income black men a chance before giving up on the possibility of finding a suitable black mate. Black men are criticized for abandoning black women for white partners. The overall message of the black press seems to be that intermarriage can work, but it is best for blacks who marry to “marry black,” even if finding a black mate requires extra effort and sacrifice.

Interracial marriage raises a number of important moral questions about the requirements of self-respect and group membership.

African Americans (and other minority group members, I might add) actively and routinely struggle with questions about the morality of out-marriage premised on group-specific obligations of solidarity and care.

The Genesis of Racial Community

Segregation by race perpetuates cultural differences that impair the formation of personal and intimate relationships among blacks and others who might otherwise live, work, or attend school together. Segregation slows the dissolution of old animosities between the races. Segregation sustains prejudice and stereotyping. Past and present racial segregation helps to explain both the low rate of black out-marriage and the moral qualms blacks feel about out-marriage to whites.

Because public accommodations and workplaces are often racially integrated, it is easy to overlook the fact that blacks and whites live substantially segregated lives. In some areas of the country, residential and school segregation is as extensive as it was prior to the Civil Rights Act of 1964. A 1997 survey of whites with school-age children showed that 41 percent of whites would object to sending their children to a school in which more than half the children were black. Overall, blacks of all social classes (poor, middle-class, and affluent) tend to live in segregated, virtually all-black communities. Housing segregation by race is not a wholly voluntary pattern. Economic factors limit choice and mobility—you live where you can afford to live. Fear that prejudice and racism will lead to violence limits choice and mobility—you live where it is safe to live. Well-off blacks seek middle-class and affluent majority-black communities, hoping thereby to achieve comfort, acceptance, and community—you live where you expect to flourish. Most American public school children attend schools that are virtually all white or all minority. Schools are segregated because housing is segregated. Compounding the segregation in housing and schools, religious institutions and certain businesses (hair salons, funeral parlors) are often segregated by race.

Segregation is a cloud with a silver lining. Racial segregation based on appearance (skin color, facial features, hair texture, lan-

guage, etc.) and/or known ancestry (African, etc.) has contributed to the ability of blacks all over the United States to become a culturally vibrant population group. Black society has produced great music, visual art, entertainers, athletes, language styles, and cuisines. Many blacks have common interests, experiences, and viewpoints. Rich and poor blacks, rural and urban blacks, recent immigrant and slave-ancestry blacks feel a subjective affinity for one another despite radically different lifestyles and languages. Blacks use the terms “black community,” “black culture,” and “black society” to emphasize the matrix of cultural and historical ties binding a population group that is strikingly decentralized and diverse. Being part of the black community, culture, or society does not require any affirmative act of admission. If you have black African ancestry and North American roots or aspirations, you belong. You belong even if one of your parents is not black, and even if you grew up in a white neighborhood or in a white adoptive or foster home. Many African Americans treat black society, which would include their extended families, as where they come from—their community of origin.

A sense of belonging to the African-American community is the basis of attributions of obligation, including the imperatives of accountability. The conception of having special obligations to one’s community of origin figures prominently in Plato’s *Crito*. Socrates was about to be put to death for allegedly corrupting the youth of Athens. When good friends offered him an opportunity to escape from prison and live safely abroad, Socrates refused. He argued that he owed a debt of gratitude to his community of origin for all it had done for him, and that debt meant he could not turn his back on the community when it wrongly adjudicated him to be a criminal. Moreover, Socrates argued, a disobedient escape from prison would set a bad example for the young, rendering him guilty in fact of the crime of which he was accused. Unlike Athens, the black community is not a geographically situated polity with its own systems of laws. Nonetheless, many blacks feel an obligation to the black community analogous to the obligation Socrates felt toward Athens: an obligation to further the group’s collective welfare and to yield to its collective judgments, even when that means foregoing personal liberties and sharing resources. I know blacks who deny having any special obligations to the black community, but whose behavior toward other

blacks suggests that they are constrained by implicit acceptance of a kind of “second order” obligation to respect the fact that other blacks extend community membership to them.

Interracial Marriage Is a Moral Issue

African Americans’ ethical critique of out-marriage strongly relates to the impact of out-marriage on the conditions of social continuity for black families and culture. As I interpret it, the critique is premised on the belief that membership in the black community imposes moral obligations, including obligations about the choice of intimate partners. These obligations are unassumed, nonvoluntary obligations. Three very general moral imperatives appear to lie behind disapproval of out-marriage: (1) respect and care for your community of origin, (2) respect and care for your family and friends, and (3) respect and care for yourself. I believe there is weight to the critique. I comprehend the evolved race-specific accountability practices and ideals. Yet, I believe African Americans should view marriages between blacks and whites as moral challenges rather than moral mistakes.

Respect and Care for Your Community of Origin

As previously observed, many African Americans view themselves as constituting a community. The community in question is not a geographical one, narrowly conceived, because blacks who live hundreds and thousands of miles apart belong to the same community. The community is constituted by cultural and historical affinities that exist whether or not individual blacks attach meaning to them. Loyalty and solidarity, evidenced through involvement with, or participation in, the community is one of the obligations imposed by the black community on blacks.

In general, it is wrong to turn one’s back on one’s community. This ethical notion is strongly held in the United States, sometimes adduced to justify capital punishment for traitors and to justify compulsory military service. Other applications of the notion would justify demands for community service of lesser proportions, such as contributing time and money to charity or holding public office. Opponents of out-marriage construe it as turning one’s back on one’s community. To in-marry is to validate the community by acknowl-

edging that it can provide one with people of character, beauty, and resources suitable for the intimate relationships most vital to flourishing. To in-marry is to validate the community by signaling an intent to perpetuate the community through childbearing and child-rearing. To in-marry is to be an involved participant in the community through central life activities.

What, then, does it mean to out-marry? Focusing on the obligations of black men to date black women and utilizing metaphors of war, psychology professor Dr. Halford Fairchild summed up the respect-and-care-for-one's-community-based objection to interracial marriage with unusual passion:

"I feel it is irresponsible for Black men to cross date in today's day and time," says Dr. Fairchild. "It's nice to date whom you want, to say that all is equal, but life is not equal. Black people are defined as inferior and put in second class status. We must recognize our debt to each other. For Black men to date and marry White women in the face of our lingering debt to each other is irresponsible. The brother has sold out. We have a responsibility to each other. We are under siege. We are at war. To sleep with the enemy is treason, racial treason."

To out-marry is to express disappointment with the human products of one's community; to deny the worthiness of perpetuating one's culture; and to reject the significance of community loyalty and solidarity.

Respect and Care for Your Family and Friends

Intimate friends and family ties are of special importance to most people. Moreover, in a society in which government presupposes the existence of family networks to provide child care, care of the sick, and elder care, family members may need us as well as want us. One ought, therefore, to build a life that includes one's parents, siblings, and other kin. One should avoid designing a life that distances rather than brings together; that hurts rather than pleases; that introduces stresses and tensions into settings that have the potential, otherwise, for uninhibited devotion. It is one thing to go to college and to work with people of all races, but to introduce the political divisions and social division present elsewhere in the society into the home and family is a mistake, particularly if one will thereby lose one's capacity

to be an effective member of the family. To in-marry is to signal a willingness to remain involved; to not shift cultural alliances; to not distance oneself.

To out-marry is to invite distance and division. Out-marriage can cause complications that separate a person from his or her black family and black friends. As Lynn Norment reports:

Research and personal accounts indicate that interracial couples experience considerable hostility in the workplace, in their social lives and even in their extended families. And Black/White marriages are more likely to face prejudice than other interracial pairings.

We marry to meld worlds, hoping the whole will be greater than or equal to the sum of its parts. Melded lives can bring a bounty of new kinship, friendships, and holiday celebrations. But if friends and families resist a spouse who is a cultural outsider, or if prejudice and xenophobia abound, interracial couples may find that they are socially diminished rather than enlarged by their marriages. The result can be a melded life together that feels like a net loss.

The loss of society that can come from interracial marriages is not a result of the behavior and attitudes of persons exogenous to the relationship. A white person married to a black person may feel uncomfortable around blacks other than his or her beloved spouse, including his or her beloved's black family and friends; *mutatis mutandis*, a black person married to a white person. Suppose a white professional man joins through marriage an African-American family that includes, as they often do, siblings of vastly dissimilar education and employment—a welfare mom, a doctor, and a marine. He marries the sibling who is a doctor. If the white spouse is from a solidly upper middle-class segregated white background, he may be quite unable to relate to the welfare mom and the marine, let alone the father-in-law who never went to college, the cousin just released from prison, and the aunt who “shouts” in church. White men also may have trouble understanding the sense of responsibility their successful black partners may feel with respect to family members in addition to their own children, siblings, and parents. Whites may not understand extended family loyalties that extend far down the kinship chain to nieces and nephews, to great-aunts, and even to “play”

cousins of “play” aunts. Even blacks and whites of the same income group and professional class may find that they bring to the marriage inconsistent, culturally specific social expectations. The ideal of melded lives may be impossible for some interracial couples to approximate. Thanks to rampant segregation, to out-marry is to invite conflict, stress, and disappointment.

Respect and Care for Yourself

One ought to love oneself. It is wrong to be ashamed of what you are and to devalue your own immutable characteristics. These are important ethical ideas. For some blacks, to in-marry is to announce pride in one’s racial heritage. It is to announce: “I have no problems with my color, my nose, my lips, my shape, my hair, nor similar traits in others.” In-marriage announces: “Should I choose to bear children, I will be glad to pass on my African traits.” To in-marry is to demand and get the best for oneself—namely, a partner who can easily comprehend one’s value, humor, and needs. To out-marry is to imply a need for white approval and validation; regret about what one is; and aversion to the traits one would pass on to offspring were one to in-marry and bear children. It does not appear that African Americans believe whites and blacks are incapable of loving one another. But I have heard blacks suggest that blacks who marry whites are selling themselves short. (This suggestion often is made about the attractive, affluent blacks who become intimately involved with what are considered less attractive or affluent whites.) To out-marry is to sell oneself short by giving up the opportunity to share one’s life with a true peer, someone capable of deep, culturally-based understanding of who one is and what one values.

In Defense of Interracial Marriage

How does one reply to the powerful moral concerns African Americans raise against interracial marriage? “That’s private!” would be a poor response, ignoring rather than engaging the claims of community debt and accountability African Americans make with respect to one another. Liberals respond inadequately, therefore, if they reply simply that everyone has a right to marry whomever he or she wants to, racial difference notwithstanding. You love who you love and isn’t it great when love defies segregation! Some African

Americans who choose white spouses undoubtedly do so feeling morally justified by just the kinds of liberal considerations cited. They feel their autonomous, legal choice of spouse is no one's business. They may even feel that they are doing America a favor.

Liberals do better to acknowledge the practical adversities interracial couples face and cause, but to stress the ideals of romantic love and toleration that interracial marriages often instantiate. Because so many African Americans embrace the seemingly illiberal notions that race is a basis of community and community a source of unassumed obligations of solidarity and care, I want to try and frame a response to the case against out-marriage that reconciles interracial marriages between blacks and whites with black community-centered concerns about respect and care. I believe interracial intimacy and out-marriage can be defended within a framework that takes seriously (without necessarily sharing) African-American concerns and values relating to communities of origin.

First, interracial marriage is consistent with the principle of respecting and caring for the black community. Interracial marriage would not be consistent with this important principle if the practice were intended to injure blacks or in fact injured blacks. Black/white out-marriage is a product of integrated association rather than of efforts to harm, demean, or offend blacks. Interracial intimacy is normally the product of living, working, or playing in desegregated environments. If people from different racial communities are thrown together, despite overall segregated housing and social patterns, a few will form attachments to people of other races. Many middle- and upper middle-class blacks live in majority-white neighborhoods and work in majority-white environments. Many blacks in the military raise families in multicultural and international settings. As young adults, many blacks who have led theretofore segregated lives attend majority-white colleges and universities and undertake fields of study that are populated mainly by whites and other nonblacks. Extensive contact with whites in these contexts can result in close friendships, sexual attraction, and a desire to marry.

Second, interracial marriages have not rendered black cultural life less vital. This is partly because out-marriage has not shown signs of ending the pervasive segregation that regenerates black cultural life, and partly because blacks who out-marry make contributions to

the black community comparable to those they would have made in any case. Out-marriage is always evidence that segregation has been ineffective. Those who come into contact with happy out-marriages may be moved toward greater racial tolerance. And yet out-marriage—still rare when viewed as an overall percentage of black marriage—has done little to change the fact of pervasive segregation. Indeed, a black woman married to a white man may end up living as the only black in a white community, or a white woman married to a black man may wind up as the only white in a circle of blacks. Blacks who out-marry are not thereby lost to the black community, even if they do come to reside in majority-white neighborhoods. Some of the most prominent contributors to African-American art, culture, politics, and social life have been married to whites or are products of interracial marriages. Indeed, Marion Wright Edelman, the best-known children's advocate in the United States, is an African-American woman married to a white lawyer she met while working as a civil rights lawyer in the south. The offspring of mixed marriages typically identify themselves as blacks and are more likely to be black-identified or bicultural than to be black outsiders. Mindful of the moral concerns I am discussing, blacks who out-marry may possess active fears about being lost to the community that lead them to eagerly embrace opportunities for contributing to the black community through their employment, volunteer work, or philanthropy.

Some of the moral opposition to black out-marriage is based on the presumption that out-marriage signals a deficit of black identity that will naturally lead to a diminished willingness to be involved as participants in black life. Blacks who marry whites may live in majority-white neighborhoods and come to take on some of the external affects or lifestyles associated with European America. But this says nothing about their core identities. They may have strong black identities. Identity issues are real among African Americans who live in isolation from other blacks. I believe it is possible for a black person to wish she were white, "act white," and even forget that she is black, but these possibilities result from integrated lifestyles that can be a product of black wealth, military service, and residential or schooling choices, unrelated to out-marriage.

Segregation and in-marriage have, without a doubt, made African-American culture the rich and distinct culture that it is. The

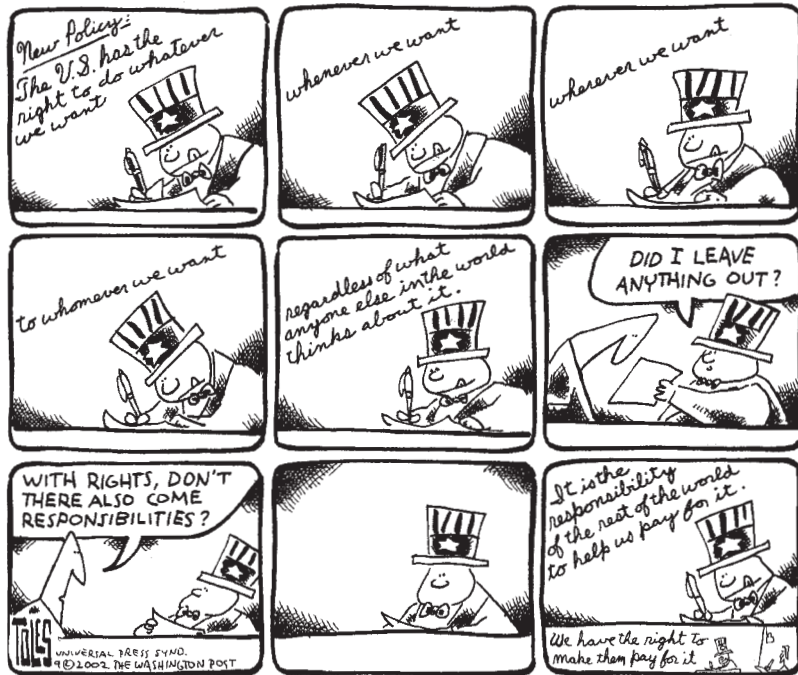
continued existence of an African-American culture (or a series of African-American subcultures) is not dependent upon the perpetuation of a group of people who will forever look substantially different from whites and from other nonwhite minorities. There could be pride enough for a joyous Black History Month celebration even though what it meant to be African-American no longer had substantially to do with skin color, facial features, and curl patterns. The existence of an Irish-American culture is not mainly dependent upon the ability to tell, based on appearance alone, who is Irish. African-American culture and community will die out, not if blacks become tan or beige, but instead, if blacks cease to identify with one another on the basis of common interests and heritage. Whether interracial marriage makes loss of common identity significantly more likely is hard to say. Clearly, all African Americans, not only the small number who out-marry, must take some responsibility for preserving worthwhile cultural products and institutions. For those who out-marry, meeting this responsibility may be more difficult and may, in that respect, represent a special moral challenge. Overcoming obstacles to black community participation erected by blacks hostile toward out-marrying fellow blacks and their families is part of the special challenge.

The obligation of respect and care for family and friends and the obligation of respect and care for self are not addressed by claims that interracial unions do not destroy black identity and erode the basis of vital community life. The ultimately stronger arguments against interracial marriage may be those that focus on the harm to the interracial couple and their families. Interracial marriage is clearly a moral challenge for the individuals who choose it and for their families. African Americans value romantic love and obligations to respect the romantic choices and aspirations of family members and friends. When the love object is of another race, those obligations do not go away. Reciprocal obligations of respect and care suggest that the marrying couple will need to take measures to accommodate the reasonable concerns and emotional needs of family members, and family members will have to take steps to accommodate the reasonable concerns and emotional needs of the marrying couple.

Every person, family, and relationship is a little different. Interracial marriage will be a morally acceptable choice in some situations

and the morally optimal choice in others. Interracial marriage is a morally bad choice for people who have good reason to believe the marriage will not work because they or their spouse would be permanently or substantially isolated from their families and friends as a result of their marriage.

Taking seriously African Americans' concerns about interracial marriage means taking seriously the special accountability African Americans often feel towards one another for deeply "personal" choices. As an African American, I acknowledge the claim of accountability, but disagree with others who believe out-marriage is categorically wrong. African Americans can marry whites and still respect and care for the black community, their families, and themselves. Interracial marriage is a moral challenge, but it does not necessarily undermine the ties of family and community.



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Bully or Partner? The United States's Role in the World

The following is an edited version of a dialogue that was organized by the Communitarian Network. It was held on March 15, 2002—that is, before the United States brought the issue of intervening in Iraq to the United Nations and before the Bush administration issued its National Security Strategy. The participants were Max Boot, the editorial features editor of the Wall Street Journal and a noted military historian; Morton Halperin, a senior fellow of U.S. foreign policy at the Council on Foreign Relations and formerly the director of policy planning at the State Department under President Clinton; and Charles Kupchan, a senior fellow of Europe studies at the Council on Foreign Relations, a professor of international affairs at Georgetown University, and formerly the director for European affairs on the National Security Council during the first Clinton administration. Amitai Etzioni, the director of the Communitarian Network, moderated the discussion.

EDITOR'S NOTE: Given that the following dialogue is about foreign policy, one may wonder what communitarian issue is at hand. At the core of the dialogue is the question, what kind of world order will arise now that the bipolar world of the Cold War is behind us and global terrorism is a new transnational threat we face? Some see a worldwide empire evolving in which the United States imposes an order—a distinctly un-communitarian vision. Others see a rising global community, based on thousands of transnational voluntary associations that make up numerous networks that bind people of different countries together. This order would be self-governing, somewhat like cyberspace—a visionary communitarian proposition. If we look beyond these two polar, ideal-typical models, we may find other, more nuanced ones that point to a development from a semi-

empire to a world with some—and increasing—communitarian features. The dialogue focuses on the United States's current role in shaping the world order, and how much it can and should be concerned about promoting these communitarian features. — *A.E.*

AMITAI ETZIONI: Welcome to a communitarian dialogue on the United States's role in the international community. September 11 brought major changes in U.S. foreign policy, and we'll be discussing the moral and strategic issues raised by recent events, as well as the effects of U.S. foreign policy on what a communitarian may see as a nascent global community.

As September 11 highlighted, the threats we face no longer come exclusively or even primarily from nation-states. We increasingly face transnational problems that no nation can handle alone—trafficking in drugs, international Mafias, sex slaves, environmental problems, proliferation of weapons of mass destruction, and, of course, terrorism. To deal with the transnational nature of the terrorist threat, the United States responded to September 11 by putting together a coalition that includes most nations. The scope of the coalition is unprecedented. It may be true that nations have, for many years, signed off on international treaties and been members of international organizations, but the antiterrorism coalition has required much more meaningful involvement by nations worldwide. Many nations have changed their domestic laws to enable the war on terrorism; 55 nations agreed to a plan to enhance police cooperation and block terrorists' access to finances; 50 nations have arrested suspected terrorists at the United States's behest; and so on. Several countries, like Yemen, switched from harboring terrorists to helping the CIA. The measures of support the United States has received are much more significant than the declarations of sympathy or pledges of assistance that are characteristic of many international treaties; states have collaborated substantially with the United States, albeit to varying degrees.

How should the United States relate to other nations, in the war against terrorism, as well as in dealing with other security- and non-security-related problems? Should we use our might to pressure and bully nations into doing what we hold is needed? Or should we be slow to take action without first consulting or even seeking the approval of other nations? What is the longer-run vision we hold of

the evolving new global architecture—that of a global community, in which we are one member among many, or one in which we, however reluctantly, shall have to continue to act as the world’s leader, if not the world’s cop?

Leadership, Principles, and Institutions

AE: Max, what’s the best approach for dealing with transnational problems?

MAX BOOT: The problems you bring up—terrorism, human rights violations, crime, and others—have been addressed internationally, especially in the last decade, but basically under the leadership of the United States. When we’ve deferred to international organizations, things have not worked very well. Look at Rwanda, where the situation was left to the United Nations—it became a mess. On the other hand, when the United States has taken the lead—often even without the endorsement of the United Nations in places like Kosovo or Afghanistan—we’ve seen that American action has been extremely effective. I think some of the most heartening progress in expanding this fear of law and order, in ending human rights violations, has resulted from American-led action in the last 10 years. We’ve been successful when acting with our allies, when we’re not subordinated to some international organization but basically leading ad hoc coalitions of those willing to get things done.

AE: Nations that originally were lining up and expressing their sympathy about the September 11 attack on us now are becoming increasingly restless because they claim they are not being consulted. The question is: can we move forward in what is basically a unilateral-plus way—consulting, but making it clear that at the end of the day we’ll do what we think is right? Or should we take our allies’ opinions into account much more seriously? At the beginning of the war in Kosovo, every bombing target had to be approved by a committee of 19, and most of us who have ever been in a war think that’s not the way to run a railroad. How far should we go in consulting with the United Nations or even merely with our various allies?

MB: I think it’s good to consult, it’s good to have allies, but we shouldn’t let it hamper our freedom of action. You mentioned the

Kosovo example, where we were even acting with the members of NATO, who are our closest allies, and we had a very difficult time running the war by coalition. If we tried in all cases to consult everybody including the United Nations, we would never do anything in the first place. There is a danger in being too amicable. For example, in the early 1990s, when Secretary of State Warren Christopher was sent by President Clinton to the European capitals to consult on what should be done about Bosnia, I think the Europeans were amazed that he really was consulting. Normally, when American secretaries of state showed up, they really wanted to get the Europeans behind a course of action, whereas Christopher was really asking them what to do. As a result of that, nothing was done at the time. I think that's a mistake that we have to avoid. I think today we have to say—okay, we need allies, but we know what we need to get done and we are not going to let the objections of the most faint-hearted allies stop us from achieving things we have to achieve. I think that has been our approach in Afghanistan. We've had some help and I think it's been invaluable, but, if, for example, France doesn't want us doing things in Afghanistan, we shouldn't decide not to do it. Similarly, with Iraq, if France says—you know, gosh, don't go into Iraq—or if Russia or China says not to go into Iraq, I think we have to go in anyway because there is such a clear and present danger that threatens our interests and the interests of our allies in the region.

AE: Morton, what do you think about all of this?

MORTON HALPERIN: I don't fundamentally disagree with what has been said so far. What I would add is that insofar as we can, we ought to try to organize our foreign policy around the principles of promoting democracy and working with democratic countries. I agree that the United States has to lead. We cannot let every country in the world have a veto over our actions. But I think we need to lead based on principles. When we decide, for example, that the people we're holding at Guantanamo are not entitled to the protection of the Geneva Convention and its rules about how to decide whether somebody is a prisoner of war or not, and then we turn around and, of course, expect our forces who may be captured in Afghanistan to be entitled to those protections, I think we are proceeding in a way that doesn't advance our interests. We can't pick and choose among the agreements that we want to follow if we expect to get the necessary

support. It is fine to say we can go to war against Iraq without France, but we can't go to war with Iraq without any supporters. We cannot fight that war from American bases in the United States and from American ships. We need allies in the region, and that, I think, is going to require us to consult, but also to respect fundamental principles.

AE: I'm surprised about a point you made and I want to make sure I hear you correctly. It sounds pragmatic rather than principled. When you say we shouldn't move without our allies because we need bases, that suggests that if we didn't need bases we could move unilaterally, and so I want to be sure that's what you mean.

MH: I also think our actions need to be consistent with principles of international law. We signed the UN Charter. The UN Charter has very clear rules about when force can and cannot be used. If we act in ways that stretch those principles, as we did in Kosovo, which I think was the right thing to do, I think we have to articulate what those principles are and be prepared to have them apply not only when we want to use force, but also when other countries may want to use force.

AE: Charles, what are your thoughts?

CHARLES KUPCHAN: I would agree with Max that American leadership is very important in dealing with the host of threats that are out there and in building greater cohesion among states. Somebody has to take the lead. But I would amend this slightly and say that coalitions and international community are built as much from the restraint of power as the exercise of power. Where did Europe come from? From the restraint of Germany, from the binding coalition with France. Where did America's union come from? From the restraints imposed upon the autonomy of the separate states. If we're interested in building international community, we have to combine concepts of American power and leadership with concepts of American restraint, adherence to common rules and norms, and, perhaps most importantly, building up institutional infrastructure. This may be one of the areas where the panel disagrees most. I think institutions are key to building community, where I think others may say they simply get in the way.

AE: What do you mean by "institutions"?

CK: “Institutions” includes everything from the United Nations to NATO to more informal forms of cooperation and norm building, but the idea is that institutions bind states to common sets of rules. They make international life more predictable. If the United States goes off on its own, puts itself above the law, says no to the International Criminal Court, no to the Kyoto Protocol, no to the Comprehensive Test Ban Treaty, then other countries, even if they sympathize with us on the fight against terror, are going to say the United States is out for itself. They’ll ask—why should we bind ourselves to a country that is pursuing its national interests rather than broader international interests?

AE: I’m not completely sure where you come out on the number one issue: are you opposed to American leadership and in favor of building institutions to restrain the United States, or do you think the United States should do what it must to deal with transnational problems and build institutions on the side?

CK: I’m saying that we need to combine the two approaches. There has to be leadership to get the ball rolling, but it has to be a certain type of leadership. It has to be a leadership that does take consensus, consultation, and institution building seriously. If we go off and bomb Iraq and we go off and do other things unilaterally, we are going to end up worse off, because we will alienate a lot of the allies we need. Where, after all, do a lot of these so-called rogue countries get their weapons? Countries like Russia and China. If we bomb Iraq and this alienates Russia and China, we may win the game but lose the match, because we’d end up in a world where we don’t have consensus among major powers.

Exercising Power and Community Building

AE: Maybe we can talk a little more about the relationship between might and community building. For instance, before the military response to September 11, in the Arab world, there was a sense of ambivalence about September 11, and there were misgivings about an American response to the attacks. After we showed our hand in Afghanistan, many Arab states have become quite a bit more attentive to our views. When we talk about the United States playing a global role—I’m not justifying, I’m asking—could our might lead to community building as much as our attention to institution building does?

CK: The two have to go together. The response in the Arab world following the U.S. campaign in Afghanistan is, I think, indicative of the extent to which military power and supremacy still carry a lot of weight, still get states to do things that they might not otherwise do. At the same time, a high level of anti-American sentiment has emerged not only in the Arab world, but even in Western Europe, Russia, and China. I was at a seminar in Freiburg, Germany a few weeks ago with a group of graduate students, and I said, "How many of you heard in the weeks after September 11 that the United States got what it deserved?" About 70 percent of the students in the class raised their hand. This is in Germany, a country that's one of our closest allies in the world. We have to ask, where does that resentment come from? Part of it comes from the fact that we're number one—we will always be resented because we're number one. But I think part of it also comes from a sense that, at times, the United States doesn't act with restraint, doesn't play by the same rules, puts itself above the law—whether justified or not. That results in alienation. Again, if you think about where community comes from, the keys are restraint and binding nations together. The European Union, which is probably the 20th century's most revolutionary experiment in community building because it got rid of the wars caused by Franco-German rivalry, came from putting a big net over Europe's great powers.

MH: Let me take the opportunity to disagree with Charlie and attack the Clinton administration. There is a fundamental difference between restraint and acting consistent with rules and procedures. I think the Clinton administration made a fundamental mistake when the Iraqis chased out the inspectors. We bombed for five days or seven days and then we stopped. We made a fundamental mistake when we did not react to the terrorist attack in Yemen and the attacks on the American embassies. I think the Bush administration did the right thing when it attacked without restraint in response to the attacks of September 11. You can respond with force without restraint and still do it consistent with principles that you are prepared to apply to others and to have others apply to you. I think where we build the resentment is in our refusal to accept universal principles, not in acting without restraint when it is appropriate.

CK: I don't disagree with that. I'm all for acting without restraint in the examples that you cite. The problem is, when the United States

doesn't exercise restraint where it should, this blurs the two types of cases, and the United States ends up not getting the credit in the international community that it should when it behaves in an appropriate and responsible fashion.

MB: I guess I have a slightly different view of international relations than Charlie, and my view can be summarized by the old dictum, "It's better to be feared than to be loved." I think that when we show strength and leadership, other nations fall into line. When we try to be loved, we get nowhere, and I think you see evidence of this in our dealings with Iraq. The first President Bush showed leadership and managed to assemble a coalition by making it crystal clear that he was willing to commit whatever kind of force it took to expel the Iraqis from Kuwait, which he did. Since then we've spent a decade basically dithering over Iraq, not doing very much. Now, nations like Jordan and Saudi Arabia and Kuwait are saying publicly—"We don't want to have anything to do with the U.S. campaign against Saddam"—but I suspect that what they are telling the United States privately is—"We will be with you if you're serious, if you're going to go all the way to Baghdad, if you're going to get rid of Saddam Hussein. We will be behind you because we cannot afford to be on the wrong side of the United States on an issue like that. But if you're going to shake a stick at Saddam Hussein and get him more teed off at us, we don't want to be with you because we're going to be around to take the consequences of those actions and they're not going to be pretty." In addition, I think that when we exercise force it has positive ripple effects around the world. Our victory in the original Gulf War helped bring Yasser Arafat and the Palestinians to the peace table because they were awed by the changing balance of power in the Middle East. Their old patrons were on the outs—the Soviet Union had collapsed—America looked very powerful in supporting Israel, so they felt they had to come to the peace table.

Building Resentment or Community?

AE: I'd like to conclude by returning to the issue of global community and posing some questions. Morton and Charlie—you've both argued that there is a danger in being resented by other nations, although Charlie, you said that it results from acting without restraint when we should act with restraint, and Morton, you said that it results

from not acting consistent with universal principles. In the end, it seems you both worry about the United States acting as if it is above the international law and norms that apply to other nations. Max, you argue that taking the initiative without worrying too much about consulting with other nations is the best way to protect our interests and get things done.

This discussion has implications for the development of a global community. We've touched on this, but I'd like to bring it out more fully. To some extent, we're already seeing some of the attributes of community— affective ties coupled with shared values and a shared sense of identity— developing on the global level. For example, there is increasing consensus on human rights and protecting the environment, and transnational social movements reveal that people's loyalties and identities increasingly cross national boundaries. From the standpoint of the growth of the global community, resentment of the United States threatens to undermine the burgeoning sense of shared interests and values.

Max, I take your point to be that might solves problems, not that it creates community. I'd like to ask, though, if there is any way in which unilateralist and muscle-flexing approaches can be advanced in ways that do promote community. In the history of nation-states, a sense of common identity often followed coercion. For instance, Germany's sense of nationhood followed Prussian imperialism, and the Civil War was followed by the United States developing a sense of being one country. These strong-armed tactics were followed by the development of national community. Is there some way in which current U.S. hegemony might be laying the groundwork for a measure of global society? Could the coalitions that the United States pressures other nations into joining, in the long term, create a sense of common purpose around the world?

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THE COMMUNITY BOOKSHELF

Bolstering the Family

Friedhelm Neidhardt

Bernhard Jans, André Habisch, Erich Stutzer, eds.,
*Familienwissenschaftliche und Familienpolitische Signale: Max
Wingen zum 70* (Grafschaft: Vektor Verlag, 2000), 687 pp.

When asked what is the most important, the most trusted, and the most respected institution in society, the overwhelming majority of Germans consistently answer: the family. It seems paradoxical, then, that German families appear to be on the decline. The percentage of men and women who live together (married or not married) who have children has dropped in recent decades. The percentage of children not living with both their father and their mother, and the percentage of children with no brothers or sisters, have risen. The experiences of being a father or mother, as well as of having a father *and* mother, and, in addition, of being a brother or sister, and of having brothers *and* sisters, became rarer during the last decades. Furthermore, the effects of these developments in the nuclear family are multiplied in the extended family: fewer people are grandparents and grandchildren, uncles and aunts, nephews and nieces.

The decline of the family is not simply a personal matter for individuals. These developments have effects on society as a whole, including effects on societal self-reproduction, social solidarity, and the distribution of responsibilities. Intergenerational familial relationships are crucial for the development of certain basic human

capabilities in children and for their maintenance in the older generations. These relationships obviously cannot be sufficiently replaced by public institutions or by market mechanisms. Insofar as public institutions and the market depend on these capabilities for their proper functioning, society must support the family. Therefore, there is a demand for "family policy" that provides such support. But the following questions arise: How should such a policy define "family"? What measures would a family policy entail? What should it entail? Does such a policy exist? Is it functioning successfully? These questions clearly matter not only for Germany but for all countries facing similar upheavals in family life.

Familienwissenschaftliche und Familienpolitische Signale is not a systematic approach giving the German answers to these questions. It is a collection of essays by politicians, clerical dignitaries and theologians, representatives of interest groups, public administrators, social scientists, economists, and demographers. The essays reflect a wide range of positions (although conservative and feminist perspectives are not included). The book is a *festschrift* for Max Wingen, a man who can be considered the most active figure in German family policy over the last three decades or so. The fact that many of the contributors are leading figures in the field of family policy in Germany reflects Wingen's level of prestige.

Some general conclusions about the current state of family policy in Germany can be gathered from reading this far-ranging volume. First, the meaning of "family" in family policy is shifting. More and more, family policy is interpreted as children policy. Although there is still some dispute about the consequences of this, children have become the constitutive element of the family concept. "Family is where children are," as the present government of Social Democrats and Greens formulates it. Consequently, families receive support whether they have one or two parents and, if they have two parents, whether they are married or not.

Second, institutionalized measures to support parents in caring for and educating their children take many forms. These include tax reductions, several kinds of transfer benefits, and the direct provision of day care and kindergarten.

Third, as all authors agree, existing measures create problems for children and for parents. Authors discuss several types of injustice that result from existing family policy. To begin with, parents face a kind of exploitation in comparison to adults without children. Parents produce a common good for all members of the society by giving birth to, caring for, and educating the next generation. But, on average, they have to bear around three-quarters of the financial expenses for their children because tax reductions and transfer payments are nowhere near enough to meet the cost of having a child. Furthermore, tax breaks for parents favor the middle and upper classes, so the poor become even poorer. Finally, the burden of care falls mostly on women. Empirical data show that the government provides significantly less pre- and post-kindergarten care in Germany than in the average European country. As a result, it is very difficult for women to be mothers and to work at the same time. This has caused a drastic drop in the birth rate.

The authors provide some insightful recommendations about how to ameliorate these problems. The essays are especially enlightening in those (rather few) cases where reflection on the German situation is contextualized within internationally comparative analysis. The book is less instructive regarding the structural conditions that would make it possible to implement the experts' suggested policies. Many of the present-day problems have been known for decades, and many proposals for problem solving have been made in public again and again. Why, then, does Germany fail to implement many of the policies that seem reasonable and warranted, especially considering that the ideas behind these policies are part of the political rhetoric of almost all political parties?

In the book, there are only hints here and there dealing with these structural, political problems. These problems have to do with certain peculiarities of the family policy field and the institutional actors involved in it. On the one hand, family policy possesses a relatively high formal status in Germany. The German Constitution explicitly promises special protection for families, and this accounts for the fact that the German Supreme Court is, in its rulings, a determined and probably the most influential advocate for the legitimate interests of parents and their children. In addition, there are governmental departments for family policy at the federal level, as well as in most

German states. On the other hand, legal authority and administrative responsibilities are so fragmented and dispersed that implementing family policy is extremely difficult. This is true in at least two respects. First, family policy combines tax regulations, employment programs, economic policies, social policy programs, and other measures that are handled by departments other than family policy departments. Consequently, family policy takes its form largely unintentionally as a bundle of side effects of the activities of the finance, economy, employment, and housing departments within the government. Second, the highly decentralized character of the federal structures of the German political system substantially increases the complexity of implementing family policy. What the federal government thinks should be done often lies within the formal purview of states and local communities, and it is extremely difficult for the federal government to coordinate these units.

Implementing good family policy will be difficult because children and parents are not capable of forming interest groups that are as strong as business organizations, the lobbyists of professional groups, trade unions, and the like. At least, their representatives have not been able to become powerful in Germany. This is an outcome, too, of the fact that there are still some ideological cleavages within the family policy field. Reading *Familienwissenschaftliche und Familienpolitische Signale*, however, I got the impression that the traditional differences between right and left, conservative and progressive positions are becoming smaller and the relationship between them more tolerant. This at least provides some hope that the ideas of thinkers like Max Wingen will at some point become a reality.

After 12 years, the Communitarian Platform is again open for endorsement. The text of the platform, a list of previous endorsers (which includes leading intellectuals and public leaders), and a form to sign the platform are available at www.communitariannetwork.org.

AN R.C. DOCUMENT

How We Can Coexist*

We present this letter as a continuation of the moral dialogue that we introduced in our Fall 2002 issue on whether the war against terrorism is a just war. Please see our Fall issue for “What We’re Fighting For: A Letter from America” and a critical response, “A Letter from United States Citizens to Friends in Europe.” For links to a response to “How We Can Coexist” and to additional letters from American and German intellectuals, please visit www.comunitariannetwork.org.

A little while ago, educated people were discussing a paper prepared by the Institute for American Values entitled “What We’re Fighting For,” which was signed by 60 American intellectuals. It centers on a number of issues, among the most important of which is to explain the morality behind America’s war on what they call terrorism and to call the Muslims to stand with them, adopt American values, and fight against what they describe as Islamic radicalism.

We welcome dialogue and exchange. Dialogue, in principle, is a noble endeavor where we can take a good look at our moral foundations and discuss them with the intent of establishing a more just and equitable relationship between our nations and peoples. From this point of departure, we the signatories to this letter—from the land of the two mosques and the cradle of Islam, the Kingdom of Saudi

* As appeared on www.IslamToday.net. The letter has been edited to match The Responsive Community’s style guidelines.

Arabia—present our point of view as an informed alternative with the intent of establishing an atmosphere of mutual understanding that can be adopted by organizations and governments.

The Dialogue

We are firmly convinced that it is necessary for people of knowledge and probity to enjoy a far-reaching depth of vision. This will not permit them to pursue choices made by individuals and circles, under the pressure of circumstances, that fail to take ethics and human rights into consideration. Such are the choices that lead societies to perpetual anxiety, deprivation, and inhuman conflict.

The language of their discourse is the language of power. This is a mistake, since making power the language of dialogue tends to permit the forces of conflict to play a difficult and uncertain role in the future.

At this important juncture in history, we call upon unbiased thinkers to engage in earnest dialogue to try and bring about better understanding for both sides that will keep our peoples away from the domain of conflict and prepare the way for a better future for the generations to come who are expecting a lot from us.

We must invite everyone to the process of dialogue that we present to our world, and do so under the umbrella of justice, morality, and human rights, so we can give glad tidings to the world of a process that will bring about for it peace and tremendous good.

To the extent that dialogue is necessary and effective, it must maintain a tone of respect, clarity, and frankness. These are the prerequisites for its success. Dialogue itself can only be built upon such a foundation, and those participating in it must be willing to accept criticism and correction unflinchingly.

Therefore we say clearly and in total frankness that we are prepared to discuss any issue raised by the West, realizing that there are a number of concepts, moral values, rights, and ideas that we share with the West and that can be nurtured to bring about what is best for all of us. This means that we have common objectives. Nevertheless, we, just like you, possess our own governing principles and priorities, and our own cultural assumptions.

Our Values and Guiding Principles

There are a number of basic principles and moral values that govern our dealings with other nations. These were set forth 14 centuries ago by the messenger of Islam, Muhammad. This was before human rights organizations existed and before there was a United Nations with its international charters.

Let us look at some of these:

1. The human being is inherently a sacred creation. It is forbidden to transgress against any human being, irrespective of color, ethnicity, or religion. The Qur'an says: "We have honored the descendants of Adam" (17:70).
2. It is forbidden to kill a human soul unjustly. Killing a single person is to God as heinous as killing all of humanity, just as saving a single person from death is as weighty as saving the lives of all humanity. The Qur'an says: "If anyone killed a person except as recompense for murder or spreading havoc in the land, then it would be as if he killed all of humanity. And if anyone saved a life, it would be as if he saved the lives of all humanity" (5:32).
3. It is forbidden to impose a religious faith upon a person. The Qur'an says: "There is no compulsion in religion" (2:256). A person will not even be considered a Muslim if he or she accepted Islam under duress.
4. The message of Islam asserts that human relationships must be established on the highest moral standards. Muhammad said: "I was only sent to perfect good conduct."

The Qur'an says: "We sent aforetime our messengers with clear signs and sent down with them the scripture and the balance so the people could establish justice. And We sent down iron wherein is mighty power and many benefits for mankind" (57:25).

We read in another place in the Qur'an: "God does not restrain you with regard to those who do not fight you on account of your faith nor drive you out of your homes from dealing kindly and justly with them, for God loves those who are just" (60:8).

5. All the resources of the Earth were created for humanity. The Qur'an addresses this when it says: "It is He who has created for you all that is on the Earth" (2:29).

These resources were only created for human beings to benefit from them within the limits of justice and for the betterment of humanity. Therefore, spoiling the environment, spreading havoc on Earth, perpetrating violence against weaker nations, and fighting to wrest from them their wealth and the fruits of their prosperity, is conduct that is reviled by God. In the Qur'an we read: "When he turns his back, his aim is to spread mischief throughout the Earth and destroy crops and cattle, but Allah does not love mischief" (2:205), and: "Do not make mischief in the Earth after it has been set in order" (7:56).

6. Responsibility for a crime rests solely upon the perpetrator of that crime. No one may be punished for the crimes of another. The Qur'an says: "No bearer of burdens must bear the burdens of another" (35:18).
7. Justice for all people is their inalienable right. Oppressing them is forbidden, irrespective of their religion, color, or ethnicity. The Qur'an states: "And whenever you speak, speak justly, even if a close relative is concerned" (6:152).
8. Dialogue and invitation must be done in the best possible manner. The Qur'an says: "Invite to the way of your Lord with wisdom and good preaching and argue with them in the best manner" (16:125).

We believe in these principles, as our religion commands us to. They are the teachings of Muhammad. They agree to some extent with some of the principles that the American intellectuals put forth in their paper. We see that this agreement gives us a good platform for discussion that can bring about good for all of mankind.

The Events of September 11 and Their Implications

It is completely unreasonable to turn the tragic events of September 11 into a means of categorizing our world's ideologies, civilizations, and societies. Those attacks were unwelcome to many people in the Muslim World due to the values and moral teachings of Islam that they violated.

At the same time, we find strange the hasty conclusions made about the motivations of the attackers, restricting them to an attack on American society and its universal human values. Without going into a lengthy argument about the matter, we see it as our right and the right of all impartial thinkers, as well as the right of all Americans, to inquire as to why the attackers did not choose some other country that adheres to the same Western values. Why did they not turn their attention to other nations and societies in Asia and Africa that subscribe to idolatrous religions, for they would have been more deserving of attack if the issue with the attackers was to fight against those who disagreed with their values. Moreover, Islam teaches that the Christians are closer to the Muslims than any other people. History tells us that the prophet of Islam, Muhammad, during the early years of Islam, sent a group of his followers to one of the Christian kings of Ethiopia, because his kingdom enjoyed an unparalleled recognition of rights. It also tells us that Prophet Muhammad sent a letter to the Christian king of Rome and one to the Christian king of the Copts. Both letters were received graciously. The Qur'an speaks about the Christians as being the most morally virtuous in their dealings of all religious societies outside of Islam: "You will find that the strongest among men in enmity to the believers are the Jews and pagans, and you will find that the nearest of them in love to the believers are those who say: 'We are Christians'" (5:82).

Why must we ignore this history and permit a superficial and premature reading of events? This is not all. The laws that Islam came with are there to establish a stable life for both those who believe in it and those who do not. Furthermore, the Qur'an describes the Prophet Muhammad as "a mercy to all humanity." Yet, when one faction prefers to create a conflict with the Muslims or to ignore their rights, then Islam responds by resistance and self-defense, which are among the objectives of jihad. The West must realize that by blocking the specific options and moderate aspirations of the Muslim World and by creating conflicts, they will bring about perspectives in the Muslim World that will be hard to overcome in the future and will create problems for generations to come all over the world.

It is unreasonable to assume that those who attacked the United States on September 11 did not feel in some way justified for what

they did because of the decisions made by the United States in numerous places throughout the world. We by no means hold the view that they were justified in striking civilian targets, but it is necessary to recognize that some sort of causative relationship exists between American policy and what happened.

From another angle, if we were to assume that the perpetrators of the September 11 attacks against the United States were the work of some special faction from within Europe, China, or Japan, or even a religious faction of the Jews, would America's decision then have been to subject them and their nations to the type of aggression that they are now confronting the Muslims with? This policy only supplies more evidence to the alleged perpetrators and their sympathizers for their claim that America is oppressing and aggressing against the Muslim World.

The events of September 11 should be an impetus for establishing a new assemblage of international institutions to establish justice and secure people's rights. They are needed to supplant institutions like the United Nations General Assembly and the UN Security Council that were established after the two World Wars to defuse the war between imperious nations. Those institutions failed to realize justice and security for the weaker peoples or protect their countries. Institutions are needed that will not act merely as a theater for extending the reach of the great powers. How many peoples have become wretched and had their resources stripped away from them by force for the benefit of those overbearing powers?

Likewise, those events should make us turn our attention to the fact that exaggerated strength, no matter how many ways it might manifest itself, is never a sufficient guarantee of security. A small group, if they have the will, can cause massive harm and injury to their opponents, no matter how strong those opponents might be.

We have learned from history that power is not the only way to guarantee security, since the types of guarantees that come with sheer power carry with them the seeds of failure and collapse, and are always accompanied by resentment and discontent from one side and arrogance from the other. But when those guarantees are built upon justice, then the possibility of their success is far greater.

If the Americans view what happened on September 11 as a turning point for them in how they define their relationship with the Muslims generally, not merely with the group of people that actually carried it out, then can we be blamed when we see that the presence of the Jewish state of Israel on Palestinian land and the control they hold over it through the support of the major powers was and still is a decisive factor in defining and shaping our relationship with the West, as well as with its values and institutions?

Our Position on America

We can easily see today that the Eastern bloc—Japan and China—seems more alien to the understanding of the Islamic World than does the West. There are many more bridges connecting the Islamic World to the West than there are connecting it to the East. There likewise exist mutually beneficial relationships and common interests between the Muslim World and the West. It should be assumed that the West perceives it in their best interests for there to be balance and stability in the Muslim World and that it knows that the Muslim lands have provided much for them, especially economically. The West is the primary beneficiary of Muslim economic strength.

In spite of this, every individual in the Muslim World perceives that China and Japan have not caused the Muslim World any clear problem, nor have they done anything detrimental to its concerns, countries, and societies. The average Muslim perceives Easterners to be more just, balanced, and more clement than the West. This feeling has been instilled in the minds of the individual members of Muslim society by the West itself.

If the United States sought to withdraw from the world outside its borders and removed its hand from inflammatory issues, then the Muslims would not be bothered whether or not it is a progressive, democratic, or secular nation.

The disagreement between us and American society is not about values of justice or the choice of freedoms. Values, as we see it, are of two types. First, there are those basic human values shared by all people, values that are in harmony with the innate nature of the human being and that our religion calls us to. Then there are those values that are particular to a given society. That society chooses those

values and gives preference to them. We do not wish to compel that society to abandon them since our religion teaches us that there is no compulsion in religion.

It goes without saying that a number of those values are social preferences that are drawn from their given environment.

Likewise, we do not accept that others can force us to change our values or deny us the right to live by them. We see it as our right—and the right of every people—to make clear to others what we believe in order to foster better understanding between the people of the Earth, bring about the realization of world peace, and create opportunities for those who are searching for the truth.

The United States, in spite of its efforts in establishing the United Nations with its Universal Declaration of Human Rights and other similar institutions, is among the most antagonistic nations to the objectives of these institutions and to the values of justice and truth. This is clearly visible in America's stance on the Palestinian issue and its unwavering support for the Zionist occupation of Palestinian land and its justification of all the Zionist practices that run contrary to the resolutions passed by the United Nations. It is clearly visible in how America provides Israel with the most advanced weapons that they turn against women, children, and old men, and with which they topple down people's homes. At the same time, we see the Bush administration mobilizing its military strength and preparing for war against other countries like Iraq, justifying its actions with the claim that these countries are perpetrating human rights abuses and behaving aggressively towards their neighbors.

This conduct of theirs creates in others a mental image of the United States of America as a nation that respects neither international organizations nor the moral principles upon which democracy rests.

A number of the values mentioned by those American thinkers are not exclusively American values. They come from many sources and represent the contributions of many civilizations, among them the Islamic civilization. Muslims and many others throughout the world do not see these values in America, because these values are effectively concealed by America's actions. The ideal circumstances

for cooperation will not be realized as long as American civilization remains in perpetual fear of growing weak or losing its hold on the world, and is perpetually concerned with keeping others from developing, especially the nations of the so-called third world.

Islam and Secularism

The signatories to the American paper focused on the necessity of the separation of church and state, and they considered this to be a universal value that all the nations of the Earth should adopt. We Muslims approach the problem of the relationship between religion and the state differently. Our understanding is to protect the will of the majority and their rights while also protecting the rights of the minority. Islam is a comprehensive religion that has specific laws addressing all aspects of life. It is difficult for a nation to be respected and taken seriously by its people in an Islamic environment without adopting the laws of that religion in general. State adoption of the religion does not mean an infringement on the particular needs of the minorities who live within it or their being forced to abandon their religion and embrace Islam. The idea that there is no compulsion in religion is firmly planted in the Muslim mindset and is clearly stated in the Qur'an. The separation of church and state that the American thinkers are calling for in their letter shows a lack of understanding of how religion acts as a formative basis for culture in Islamic societies. We see secularism as inapplicable to Muslim society, because it denies the members of that society the right to apply the general laws that shape their lives and it violates their will on the pretext of protecting minorities. It does not stand to reason that protecting the rights of the minority should be accomplished by violating the rights of the majority. We see that the real concern of a religious minority is the protection of its rights and not the violation of the rights of the majority, since infringing upon the rights of the majority is not conducive to social stability and peace, whereas the rights of the minority in Muslim society are protected.

We believe that Islam is the truth, though it is not possible for the entire world to be Muslim. It is neither possible for us to force others to think the way we do, nor would Islamic Law allow us to do so if we were able to. This is a personal choice in Islamic Law. The thing that we have to do is explain the message of Islam, which is a guidance

and a mercy to all humanity. However, we are not heedless of the necessities brought about by the present state of humanity and of the need to remove the obstacles that prevent people from properly understanding the message of Islam so they can, if they choose, adopt it of their own free will.

The Muslims have the right to adhere to their religion, its values, and its teachings. This is an option that it will be difficult to try and withhold from them. Nevertheless, what we present is a moderate and balanced understanding and go forward to propagate it, and the West shall see that it is very different than the notions that they have about Islam. This is, if the West is truly willing to afford us, our religion, and our abilities proper recognition, or at least willing to study the facts of our religion and our values in a rational and objective manner.

Islam is not an enemy of civilization, but it rejects utilizing the notion of civilization for negative ends. Nor is Islam an enemy of human rights and freedoms, but it rejects transforming freedoms and rights into a tool for conflict just as it rejects relying upon a limited cultural vision as if it is a universal law that must be generally applied to all, forcibly if need be. Continuing to insist upon this vision, even if it is depicted as religiously tolerant, is no less extreme than what goes on in those radical religious groups.

Oppressing others necessarily means that a choice in favor of conflict has been made. It is the catalyst that inflames the strength of resistance, which creates conditions where causing injury to others takes little instigation. The West has to realize that destruction is the least technologically dependent product in the world. It can be produced in countless ways. This will give birth to more forms of radicalism within all societies, including those that adopt separation of church and state. Those might actually turn out to be the most proficient practitioners of this type of extremism.

The Just War and Terrorism

The West often speaks of the problem of terrorism and radicalism. In our view, this problem is a serious one for the world and a number of measures must be taken to deal with it. At the same time,

we wish to emphasize the following points that appear to us very reasonable.

First, radicalism is not intrinsically tied to religion. Radicalism can take many forms, political, economic, or ideological. These should be given the same level of attention, because they seek to overturn the moral principles and the systems that secure human rights throughout the world.

Also, religious radicalism is not restricted to one particular religion. We admit there are radical elements among Muslims; we are also well aware that every religious persuasion in the world has its radical elements. Those who study religious thought and culture attest to this fact. Therefore, it is both unreasonable and unjust to irrationally push the issue of Islamic radicalism and then take a course of action that will further instigate it without dealing with all forms of radicalism in the world, both religious and otherwise.

Second, while we believe that the world is confronted by terrorism and radicalism in the broad sense that we have just described, we should also consider that there are a host of other problems that the world is facing with respect to rights, freedoms, and basic human needs like education, health, and nutrition. All of these need to be addressed.

We are of the realization that many of the extremist Islamic groups—as they are called—did not want to be that way when they started, but were forced into that category by political or military forces or their media machinery that blocked their access to channels of peaceful expression. Such powers were able to do away with any possible opportunity for moderation and to strike at the rights of people. This is the major cause for the extremism of Islamic movements and groups. We are also of the realization that this same situation is right now occurring under the guise of the Western program known as the War on Terror.

Stability is the basis for rights and freedoms throughout the world. When we deny people stability and force them to live in perpetual anxiety, oppression, and misery, then they become more likely to act in an immoral and unethical manner. Bitter reality is what sets down decisions. Moreover, it is sometimes what shapes people's

thoughts. When people wait a long time without their rights being addressed, it becomes highly likely that they will behave in ways that are difficult to predict and that lead to uncertain consequences.

We seriously call upon the West to become more open to Islam, look more seriously at its own programs, and behave more mildly with the Islamic World. We also call upon them to earnestly review their position on Islam and to open channels of dialogue between prominent Islamic thinkers representing the broad current of Islamic thought and intellectuals and decision makers in the West.

It is important for the West to realize that most of the Islamic movements throughout the Muslim World and elsewhere are essentially moderate. It is necessary to maintain this situation. Moderate movements should have their rights respected. Nothing should be allowed to inflame situations for any reason. People need to be able to conduct themselves rationally and with a sense of security.

We are committed to fighting against terrorism, whether it comes from the Muslims or elsewhere. However, as long as the matter is being referred back to moral values, then why not mention other radical extremists? Why not talk about the Palestinians who are exposed, especially in these days, to the most loathsome kind of terrorism possible? Their cities and refugee camps are being torn to the ground, mass murder is being carried out against them, and a suffocating siege is being imposed upon their innocent civilians. This is not being carried out by some individuals or secret organizations. It is being executed by the state of Israel, a member of the United Nations.

If the purpose is to pull up terrorism from its roots, then all-out war is not the appropriate course of action, but peace and justice is. The world must seek this in Palestine and elsewhere.

Terrorism, according to the restricted meaning that it is being used for today, is but one of the forms of wrongful aggression being carried out against lives and property. It is immoral to focus on one form of aggression and turn a blind eye to all others, even though they might be more destructive and repugnant. This is a clear case of selective vision and the use of double standards.

Third, concocting conflicts does no good for either side. Those who represent conflict are not always the best representatives of this faction or that. There is nothing better than justice, consideration of the people's rights, and adhering to our moral values to dispel the specter of conflict. These principles must be maintained even in times of war when we are forced to go down that road.

In the West, instigating conflict stems from considering and protecting national—if not partisan—interests, even at the expense of the rights of others. The truth is that this policy is what creates a dangerous threat to national security, not only for the West, but for the entire world, not to mention the tragic and inhuman conditions that it produces.

The men throughout the world who are behind these conflicts are, by their decisions and their policies, preparing the masses to turn against them. We must intelligently monitor their behavior and protect our civil societies and the rights and security of our people. We must realize that having conflict-mongers in power around the world will bring about the worst situation possible for us in the present, as well as for the future generations who will have to face the effects of our personal calculations. Yes, we should be optimistic, but we must also be clear in accounting for our actions and assessing their effects.

Civil security is in a perilous situation throughout the world in the shadow of this scramble to create conflicts and draw up programs for dealing with them. We have to move beyond the slogans and realize that policies of conflict in the West are bringing about the destruction of civil security throughout the world in the name of fighting terrorism. The number of civilian casualties in Afghanistan because of American bombing increases without the American administration showing any kind of strain on its mores and values from its so-called "just war." In reality, it seems like they are merely creating circumstances in order to give a new validation for more confrontations here and there. And if the West considers September 11 as an affront to civil security in the West, then we can share with it that feeling and even the stance of rejecting attacks against civil security throughout the world. But it is important for the West to realize that civil security in the Islamic World has not seen stability for

decades and a lot of the impediments to civil security have come about under the umbrella of Western policy and quite possibly are due to the direct actions of the West.

It is about time we realize that the use of military force or the power of the media provides no real guarantee for the future. Often matters take surprising turns, going off in directions that defy our estimation. It is as if the events of September 11 showed the uncertainty in this estimation.

Therefore, creating more avenues for dialogue and the exchange of ideas where scholars and thinkers can meet with each other is, in our opinion, the alternative to the language of violence and destruction. This is what compels us to write this letter and to participate in this discussion.

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THE COMMUNITY'S PULSE

Can Companies Make a Difference?

Does your employer encourage employees to volunteer and donate personal time for the benefit of the community?

	<u>1998</u>	<u>2002</u>
Yes	62%	54%
No	35%	43%
Don't Know	3%	3%

Does your employer organize company-sponsored volunteerism programs, providing opportunities for employees to donate personal time for the benefit of the community?

	<u>1998</u>	<u>2002</u>
Yes	48%	42%
No	45%	54%
Don't Know	7%	4%

*Do you participate in volunteerism activities when community service opportunities are organized and/or encouraged by your employer?**

	<u>1998</u>	<u>2002</u>
Yes	74%	80%
No	26%	19%
Don't Know	1%	1%

Compiled by Deirdre Mead

*Percentage is drawn from those who say their company sponsors volunteer programs.

Note: The questions listed are taken from the 2002 survey. The 1998 survey asked the "same" basic questions.

Source: Prudential Financial, Inc., Research Survey on Company Sponsored Volunteerism, August 2002; U.S. national sample of 647 employed adults.

LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

The Right to Threaten

Frustrated golfer Bill Najmark claims his right to free speech is being violated. A few months ago, Najmark was having a particularly bad day on the course. According to the *St. Petersburg Times*, two maintenance workers encountered Najmark at the 15th hole of the Babe Zaharias Golf Course and inquired how he was doing. Najmark shouted, "How am I doing? I just four-putted," going on to complain about the condition of the course's greens. He then said of Jeff Henderson, who is in charge of managing the course, "If I were a golf terrorist, I would stick a gun up his a-- and blow his brains out for the way he keeps this golf course."

Soon after Najmark concluded his outburst, the course assistant manager approached him and asked him to leave—and Najmark did. He has since been banned from that course, as well as two others managed by the same company, TSA. None too happy about his dismissal, Najmark is now threatening to sue, claiming that his First Amendment rights have been violated. "I still have a right to free speech . . . even if it's ugly speech," he told the *St. Petersburg Times*. "I'm going to file a lawsuit against them for slander and libel. I'm going to file a lawsuit against TSA for \$100,000." Najmark is trying to recruit a prominent free speech attorney to take his case.

From the Authoritarian Side

A New Scarlet Letter

A new Florida state law is forcing some women to advertise their sexual histories in the newspaper. Any woman offering her child for adoption must notify the child's biological father—or take out an ad that lists the woman's full name, her physical description, and the names and descriptions of any men she cannot locate whom she had sex with in the 12 months before the child was born. The newspaper ads must run in all cities and counties in which the child might have been conceived.

The law exempts no one—including minors and rape victims. A 12-year-old girl in Palm Beach County was raped and impregnated by a man who subsequently disappeared. If the girl wanted to give her baby up for adoption, the new law would require her to publish ads that included her name and a reference to the rape. The girl and five other women filed suit, claiming that the law violated their right to privacy under the 14th Amendment and Florida Constitution. Though the judge who heard the case rejected the claim for mothers whose pregnancies were not the result of rape, he found that the law should not apply in cases of rape. But the judge's decision affects only Palm Beach County. The law still applies to rape victims in other Florida counties, and other teenage girls must publish the names of men, including teenage boys, they have slept with.

The bill proposing the advertisements was drafted in the aftermath of a case in which a father sued when his biological child was given up for adoption without his knowledge or consent. Having women place the ads, proponents of the bill maintained, would help prevent situations in which fathers unknowingly cede their parental rights.

But since the bill has become law, there has been a considerable public outcry; critics accuse the bill of creating an ignominious new "scarlet letter." Legislators from both major parties, including some of the bill's original supporters, now talk of changing the law. Yet the bill's Republican sponsor was sanguine about its implications. "I don't see it as punishing anyone," state representative Evelyn Lynn explained to the *New York Times's* Nicholas Kristof. "I see it as

protecting children. When you do a major piece of legislation, you can't please everyone."

From the Community

Making London More Liveable

The roads of London were not designed to accommodate the 40,000 automobiles per hour that now deluge the city every morning. According to some estimates, London traffic now moves at an average of less than 10 miles per hour. Kevin Delaney, traffic and road safety manager for the Royal Automobile Club Foundation, measured driving times on several busy roads, and says his average speed was only 2.9 miles per hour. But the city has a plan to remedy the problem: motorists will now be charged a fee to travel into central London during peak hours.

The plan is a pet project of London's current mayor, Ken Livingstone. Elected in 2000 on a traffic reduction pledge, Livingstone has made traffic abatement a personal crusade. Though he occasionally rides in taxis, he has no official mayoral car, and usually takes the subway to work. As mayor, Livingstone has already sponsored a project that added more bus and bicycle lanes, initiated several road-building projects, and supported the adjustment of traffic lights to benefit pedestrians.

Under the city's new plan, which takes effect in February 2003, all motorists driving into central London between 7 A.M. and 6:30 P.M. on weekdays will have to pay a £5 fee. Drivers will have the option of purchasing weekly, monthly, or yearly passes.

It is expected that the new "congestion charges" will reduce traffic in the eight square miles at the center of London by 10 to 15 percent. The fees are also expected to raise \$204 million in revenue for the city each year. While some have expressed cynicism about the plan, speculating that it is the product of the mayor's personal aver-

sion to cars, several business groups have offered tentative support, and city officials are optimistic that the scheme will provide some respite from the city's perpetual traffic woes. As Robert R. Kiley, London's transport commissioner, told the *New York Times*, "The single most important thing is that it's actually going to go ahead. Ken Livingstone's view is that if you put it off, it won't happen. It's a very gutsy thing to do."

Elizabeth Tulis

COMMENTARY

Libertarian Clarifications: A Response to Stephen Elkin

My purpose here is to offer a brief response to some of Stephen Elkin's criticisms ["Libertarian Confusions," Fall 2002] of the system of government that I advanced in my 1998 book, *Principles for a Free Society*. Quite briefly, there I defended the classical liberal conception that attaches great weight to limited government, private property, and voluntary contract. But my book should not be read as an apology for possessive individualism, which is why I added the subtitle—*Reconciling Individual Liberty with the Common Good*—which Elkin instructively omits in his account. In that spirit, much of the book explains why common property, including social infrastructure, is needed to make the entire system work. Elkin's quarrel is not with the specific institutional arrangements that I defend for common property, or for transportation or telecommunications networks. Instead, he announces his deep suspicions about any overall approach like mine that supposedly reduces social calculations to one "giant cost-benefit calculating machine." Such approaches, according to Elkin, often overlook the critical expressive functions of government. He also claims that I compound these initial mistakes by building into my ideal legal system too many binding protections for individual rights at the front end, instead of creating a capacious institutional framework and a political climate that lead legislators to take seriously the broad purposes that are widely accepted in dealing with matters of pressing social importance. Here is why I think that his criticisms miss their mark.

Elkin is wrong to downplay the importance of legal rights for the operation of a sound social system. Deliberation is fine, as far as it goes, but often it does not go far enough. Constant shifts in the definition of legal rights and duties create unnecessary uncertainties that bring in their wake serious economic and social dislocations, and open up the opportunity for special deals and political intrigue. Extensive public deliberation often makes private deliberation all the more difficult, because any private cooperative arrangements could founder on different estimates of future changes in the political landscape. Thus if one side thinks that some legislative reform that affects a relevant type of contract is permanent while the other thinks it is temporary, they are likely to differ in their evaluations of the value of what is being given or received. Strong property rights in labor, land, and goods not only facilitate the emergence of competitive markets, but their stability is also indispensable for creating the voluntary associations so critical for carrying the expressive function of society forward.

Indeed, we can be still more emphatic on the point. The assignment of the expressive functions of society to government poses enormous risks of conformity and intolerance. For the ordinary disputes about proper individual or social practices, an expressive and responsive debate depends on there being many voices to speak in opposition to, as well as in support of, government. Central to our entire tradition of freedom of speech is that the government must stay its hand in the regulation of private speech unless it has a compelling reason to act. That tradition does not assign to government the role of giving voice to the fundamental values of society. Our democracy has thrived under this regime. We should not depart from it lightly.

Elkin attaches in my view far too great a weight to the expressive function of law. He counts himself as a strong supporter of antidiscrimination laws, and is quite indifferent to whether markets cure or perpetuate discrimination. He would keep these laws either way. But consequences do count, especially if the antidiscrimination laws lead to private and public behaviors that *reduce* opportunities for the very people whom they are supposed to benefit, as I think they do: the firm that finds it hard to fire a risky applicant will be less willing to hire him in the first place. But more than simple economics is at stake. Elkin also misses the critical point that any government powerful enough to

condemn racial subordination is powerful enough to impose it, as happened under Jim Crow. Current political leaders might be wise enough to avoid that grisly fate, but what next? Will their distaste for racial subordination lead them to embrace or denounce race-conscious affirmative action programs? Any “solemn way” of making this ticklish choice is sure to be wrong. There will be no social agreement that the supposed moral imperative of a color-blind norm should count for more than the supposed rectification of past wrongs, or vice versa. Nor could any system of voluntary association flourish if the government could either dictate affirmative action programs or ban them. Dictation would force either types or degrees of affirmative action that do not fit particular private institutions. Prohibition would prevent any affirmative action program, however well-crafted, from the outset. We would do far better on this score if we allowed private institutions to make their own choices on whether to adopt some race-conscious policy and, if so, which one. We need to cool tempers by decentralizing decision making on whether or how to implement affirmative action. And we must remain confident enough that if one firm opts for racially offensive policies others will not rush to follow it. Firms that engage in racist behavior will pay a heavy price in the loss of customers and suppliers, and of the public’s respect. Elkin, I suspect, attaches too little weight to these reputational sanctions.

The same overall logic applies to his concerns with environmental law. We will not do any better by denouncing on communitarian grounds, as does Elkin, the right to sell licenses to pollute. No society can survive zero levels of pollution; the complex system of pollution permits is simply a means to secure the largest level of useful output for any given amount of pollution that society collectively, after deliberation, chooses to accept. These could easily be understood as the expression of responsible environmental policy. After all, if we do not accept these pollution licenses, then we have to switch to some system of command-and-control regulation that has major problems of implementation of its own, precisely because it cannot harness any private knowledge that individual firms have of their own technologies and their own cost of production.

The key point is that government’s expressive power can easily be transmuted so as to coerce compliance with norms that are supposedly morally right. But this is a risky course of business. State power

is a scarce good that, like anything else, can be put to good or bad uses. No organizational blueprint automatically installs the right leaders in times of national crisis. In periods of great national danger and strife, the risks of excessive state power have to be run, but even then the greater risk is that honest dissent will be branded as political disloyalty. But on most mundane matters, it is neither necessary nor wise to concentrate the expressive function in government. Presidents or other political leaders that make every small issue their business cheapen the coinage of politics and undercut their effectiveness on the national pulpit on the few issues where it is imperative that moral exhortation be used to secure unified national action. We have religious leaders and pundits who can handle the expressive function in ordinary times. We don't need, and shouldn't trust, a large government to monopolize, or even project a strong voice in, the moral education of the public.

What then should governments do? As I noted in my book, the provision of infrastructure and public goods is an enormous task that requires expertise and judgment in everything from taxation to civil engineering, and from elections to national defense. Public deliberation is vital to the intelligent organization of sewers, roads, tax rolls, armies, and law enforcement. By all means we should deliberate over these. But even here Elkin misses that sound deliberation depends not only on intelligent individuals, but on the right incentives, which elicit honest revelation of views and preferences. These in turn depend on having both sound institutions and the correct set of individual rights and duties. The need for separation of powers, checks and balances, and the protection of a bill of rights should not be forgotten in the effort to achieve political consensus on the important issues of our time.

Knowing both the downside and the upside of human conduct, it is simply mischievous to urge, as Elkin does, that any effort to counter Madison's problem of faction by entrenching individual rights "would be a cure worse than the disease," at least if it involves enforcing the principles that I propose. But again I am at a loss to know what alternative system of individual rights he would embrace, relative to the one the Framers put in place. Thankfully, we have constitutional safeguards for speech, for religious liberty, and, yes, for private property. We could argue at length about how these should be read.

But no romantic image about setting the ship of state loose on an uncharted sea should ever induce anyone to think that we would forge a better and stronger national community if, in the absence of these guarantees, legislatures could freely use their discretion to straitjacket dissent, suppress minority religions, and confiscate property at will. Vital structural and individual guarantees should not depend on Elkin's squishy politics. Indeed Madison himself quickly recognized that the extended republic was no panacea and could not of itself prevent rogues from taking over the halls of Congress. Accordingly, he opted for a strong Bill of Rights in the first Congress.

The great flaw in our constitutional law today is that we have given these rights too little heed, not too much. My own deep conviction is that vigorously enforcing our Bill of Rights could usefully contain political discretion so that we would not suffer the disgrace of national agricultural cartels, for example, while talking piously about maintaining minimum levels of nourishment for all. It could also lead to more open political debate without the suffocation of endless regulation of the conduct of political campaigns in the desperate but futile effort to keep money out of politics. It is better for funds to pour in from all sides to enrich the debate. I may well be wrong in how I frame the general principles or draw the particular lines on matters of right. But Stephen Elkin makes the far graver mistake of thinking that there are no constitutional lines worth drawing at all. Legal protection of the individual is the bulwark of community vitality, not its antithesis.

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The Limits of the Bonding/Bridging Distinction

The relationship between liberal democracy and religion is a persistent problem. Tocqueville is renowned for having maintained that religious belief is vitally important for the well-being of Ameri-

can democracy, on the premise that spirituality tends to counteract our narrower individualistic materialism and sustains moral “habits of restraint” of which democracies are much in need. Yet Tocqueville was well aware of the dangers of fanatical spiritualism, including “bizarre sects” he found prominent in America.

Stephen Macedo’s article [“The Trouble with Bonding,” Fall 2002] deals with a current manifestation of the persistent problem in a manner significantly but not entirely Tocquevillean. Macedo grapples insightfully with the issue of governmental financial support for faith-based social service organizations. He does not oppose such support but seeks to define the limiting conditions of it, relying upon certain distinctions derived from “liberal democratic values” such as “inclusion, equality, and individual freedom.” Insofar as the general argument yields specific conclusions, I am inclined to agree with the few provided. Of course public aid (direct as in faith-based welfare programs; indirect as in school vouchers) should not be provided to institutions that discriminate among prospective clients or students on religious grounds. Regarding rehabilitation programs that are deeply religious in nature—those that systematically require prayer, for example—Macedo takes the moderate view that they are questionable candidates for governmental financing and should qualify only where the rehabilitation rate is demonstrably high. These relatively moderate provisos are reasonable, and rejecting them would reflect inadequate awareness of the balances required in our constitutional polity.

Yet the broad theoretical perspective Macedo deploys is questionable in some regards. Macedo’s argument relies upon the distinction Robert Putnam makes in *Bowling Alone* between “bonding” and “bridging” associations. To be very brief about it, the former are homogeneous and inward-looking, while the latter are heterogeneous with inclusive memberships cutting across our social divisions and with attitudes inspiring engagement in the larger affairs of society. Macedo holds that bridging is always desirable while bonding is suspect because it “bolsters our narrower selves.” Since commentators are supposed to criticize, here are four critical observations.

First, the bonding/bridging distinction covers less ground than one might think. In which category shall we locate the American

Association of Retired Persons? This typical American interest group is civically engaged all right, but its engagement is relentlessly on behalf of a particular segment of society. Its membership crosses ethnic, religious, and social class divisions, but its policy demands may well contribute to other divisions. (Putnam recognizes that groups can be bridging in some ways and bonding in others, but this fact, if pervasive, makes these categories less useful.) I am inclined to view such organizations as the AARP, which predominate among us, in the Madisonian way: they are “factions,” self-interested or ideological. Insofar as factions promote public engagement (which they do to an extent), shouldn’t we praise them on Macedo’s apparent premise that public engagement is “an unambiguous good”? But our evaluation of an association should depend upon what it actually does and not simply on the degree of popular participation it encourages; many of our “bridges” are much infected with partisan bias.

Second, as Macedo and Putnam sometimes acknowledge, we pay a price for elevating “bridging” over “bonding” as much as they urge. The heterogeneous associations they favor are considerably less cohesive or fraternalistic than the relatively homogeneous ones they denigrate; the latter, one may say, have the character of *community* considerably more than the former. It is in such tight-knit associations that close ties of affection, reciprocity, loyalty, and “brotherhood” are most developed. Edmund Burke’s remark that the lessons of public-spiritedness are first learned in “the little platoons” is relevant here. There is, then, something to be said for those less-than-cosmopolitan communities that nurture strong bonds and can teach the first lessons of solidarity. Not all virtues are liberal virtues (a point illustrated by family life).

Third, our authors tend to give evangelical religious groups a bum rap with regard to active citizenship. The mainline churches are hailed by Macedo as “schools of liberal democratic civic engagement,” which the evangelical churches are not—because of their intensive focus on personal faith and internal church-related activities; they are “sectarian.” However, the evangelical upsurge has given rise to a great deal of involvement in public affairs. Consider the Christian Coalition and the Promise Keepers; as Putnam finds it necessary to acknowledge (though inconsistently, I think), Christian conservatives have produced a very large grassroots movement. To

be sure, one may disagree with the goals of that movement; the political causes pursued by mainline churches are rather more “liberal” or left-leaning. In any event, it is likely that many evangelicals are more attentive to public matters than are many libertarian “bobos” or “Generation Xers.” And it is by no means clear that the faith commitment of the former makes them narrower people than the latter. Tocqueville thought that belief in an Eternal Being (even apart from civic participation) often *enlarges* the horizons of democratic individualists.

My last point is perhaps the most important one. Arguably, it is in certain bonding associations that moral character, with the capacity for self-control or restraint at its foundation, is most strongly emphasized. Character development is not among the concerns listed by Macedo as liberal democratic values. Indeed he says this: “Equality of respect among all citizens may be seen as at odds with the judgmentalism needed to sustain a commitment to severe forms of self-control.” No doubt some kinds of self-control (like those in a monastery or Amish sect) are too severe to serve as models of the good life for American society. How about non-extreme though substantial forms of self-discipline? These can be undermined if the idea of equal respect for all ways of life is pushed far toward its final logical conclusion. Many commentators think that current nonjudgmentalism, rooted in the twin demands for utmost lifestyle equality and personal autonomy, is a destroyer of character-sustaining communal norms. If these two demands are compatible with any public ethic at all, it would be one so “inclusive,” hence so thin and platitudinous, as to offend no one and therefore teach no one. (For an interesting slant on the problem, see James Davison Hunter’s *The Death of Character*.) A society that favors bridging associations may have problems of its own. The presence of conservative churches can at least serve as a counterweight to the overemphasis on autonomy that is rampant in the mainstream.

I agree with Macedo that liberal government cannot be indifferent to the values of its citizens, and that its distribution of public resources cannot be nicely neutral with regard to all the associations existing in the United States. And I share the concern about our civic disconnectedness. But is moral character irrelevant to public-spiritedness? The “habit of restraint” is not exactly a liberal demo-

cratic value, but, if Tocqueville is right, it is an ethical condition of healthy community. This factor should not be ignored; it should be included in the mix of considerations bearing on the permissible public role of faith-inspired enterprises.

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Libertarians on the Move

Jason Sorens, a Yale graduate student and the founder of the Free State Project, is trying to get 20,000 libertarians to move to a small state. The goal of the project is to get enough libertarians to move to the same place that they can work successfully to shrink state government and to limit the influence of the federal government. Sorens believes that, after the move, threatening secession might make it easier “to achieve concessions with the federal government,” according to the *Wyoming Tribune-Eagle*. The Free State Project has not yet chosen a state to move to, but leading candidates include Wyoming, New Hampshire, Alaska, and Delaware. Dave Dawson, who recently ran as the Libertarian candidate for Wyoming governor, was enthusiastic, saying, “It’s a great idea,” but he is not optimistic about success. “The problem is, getting Libertarians to do something all together is a lot like herding cats.”

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