

THE
RESPONSIVE
COMMUNITY



RIGHTS *and*
RESPONSIBILITIES

Volume 3, Issue 4, Fall 1993

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First: Cut the Paperwork

In our national debate on health-care reform, an ethical climate is developing that denies whole categories of health-care services to one group of citizens or another. In response to this disturbing trend, a leading group of ethicists and physicians, chaired by the author, gathered to suggest a new moral guideline for health-care reform. In our statement, “Core Values in Health-Care Reform: A Communitarian Approach,” we argue that no one should be denied medical services that can produce health benefits until major savings are gained *first* by cutting extraneous administrative costs.

By this standard, the Oregon rationing plan, which refuses to pay for procedures that have a high cost and relatively low benefit, should be rejected out of hand. Oregon ranks highest among all the fifty states in the proportion of its health-care budget that is devoted to administrative costs. Accordingly, it is only fair to cut the excessive paperwork, nettlesome micro-management, and bloated bureaucracies before eliminating procedures such as liver transplants—as the Oregon plan does—that have proven medical benefits.

The standard reflects a moral dictate developed by the group—“cut patients last”—that has a much wider application than the Oregon rationing plan. While the Oregon plan takes aim at the poor (it applies only to Medicaid patients), others target the elderly. Philosopher Daniel Callahan, Director of the Hastings Center, has long argued that people who are older than 80 should receive only “ameliorative” care (such as pain killers and hospice services) and not therapeutic services (which comprise most of medicine). Recently, he urged that Medicare should include a new “Part C” that would allow those older than 80 to choose between coverage for long-term assisted care *or* acute hospital care. Joseph d’Oronzio, a professor at Columbia University, has argued that those elderly men and women who do not sign living wills limiting their

use of life-support systems be required to pay higher medical premiums. Gregory Pence, a University of Alabama Medical School professor, who also endorsed a rationing plan, has suggested that we tell a 76-year-old woman facing an expensive liver transplant: “For all your children and grandchildren, we can’t spend this much on you.”

These approaches constitute age discrimination, the group of ethicists and physicians conclude. In contrast, we argue that, if rationing must occur, the only standard that should guide rationing decisions is one based on an assessment of the likely success of treatment for those in the late stages of a terminal illness. This principle would be as relevant for a dying young AIDS patient as for some elderly patients. On the other hand, it would not deny treatment to the many men and women 80 years and older who can be restored to a full life.

Most important, before draconian measures such as rationing are considered in what is still the richest society in the world, we should cut those costs that needlessly drain valuable resources. The place to begin is with paperwork, not people. The U.S. spends up to 24 percent of its health-care resources on administrative costs while Canada spends only 11 percent. If we switched to a Canadian-style system, the reduction in paperwork would save more than \$65 billion a year, according to the Government Accounting Office.

Second, if we overcome the political pressure posed by the trial lawyers and allowed differences between health-care providers and patients to be resolved via mediation and arbitration rather than litigation, the national health-care tab would be reduced by \$7-8 billion. Such changes would not only reduce the costs of lawyering but also the billions wasted on defensive medicine.

Third, we should cut out procedures that have no proven benefit. This would eliminate up to 20 percent of current medical procedures and save more than \$40 billion, according to studies by the RAND Corporation. Fourth, drug companies must be stopped from gouging their prices: some experts believe the savings in reduced pharmaceutical costs would net up to \$9 billion.

Our health-care “crisis” prompts people to pursue radical change. But a word of caution is in order. Before we consider options like rationing, we must cut administrative waste, litigiousness, defensive

medicine, needless procedures, and corporate profiteering. More important, if we must ration, age must not be the basis of separate and unequal medical treatment for the elderly or any other group.

Amitai Etzioni

"Core Values in Health-Care Reform: A Communitarian Approach," by Amitai Etzioni, Christine Cassel, Charles Dougherty, C. McCollister Everts, John Griffith, James L. Nelson, Marian Osterweis, and Daniel Wikler, is available for \$10 from The Communitarian Network, 2130 H Street, NW, Suite 714, Washington, D.C. 20052.

Applying Federal Laws to Congress

Congress' legitimacy is seriously undercut by the public perception that it exempts itself from the same laws it expects the rest of the country to abide by. Few Americans understand why this should be so. Citizen groups, executive branch officials (including the president), and members alike have decried Congress' exemption from civil rights, employment, and safety laws. The president, vice-president and their staffs are similarly exempted from coverage by the same laws.

There are two issues here. One is whether Congress, sensitive to public antipathy, too eagerly cedes its constitutional responsibilities under the separation of powers under assault by the executive branch and the public. The second, though, is whether Congress uses the excuse of its constitutional responsibilities to avoid living itself under the laws it makes for others.

The rationale for Congress' exemptions can be found in Article I, Section 6 of the Constitution, which states that "for any speech or debate in either House, [members] shall not be questioned in any other place." Historically, the point of contention has been whether the clause protects official actions not directly related to speech and debate, such as the

hiring of staff. If one considers the speech and debate clause within the context of Section 6 in its entirety, clearly the Framers were seeking to prevent politically motivated investigations and prosecutions of members of Congress by the executive branch.

The special counsel's blanket subpoena of all members' bank records is an excellent example of exactly the type of intrusion by the executive branch on the legislative branch that the Framers sought to prevent by including the provisions of Section 6 in the Constitution. Congress made a serious mistake to cede its prerogatives in this case.

But neither the speech and debate clause nor the principle of separation of powers should be used as an excuse for Congress to avoid any of the discomforts that come with laws and regulations when they are applied to the private sector. It is a mistake to say Congress is exempt from these laws. Congress is exempt from enforcement of federal employment and safety laws by the executive branch. Both the House and Senate have rules that parallel many of the laws from which members are exempted. However, Congress has frequently moved with excruciating slowness to craft its rules and enforce them. Both the House and Senate now do have offices of fair employment practices to enforce anti-discrimination and sexual harassment codes; in many instances, Congress' internal standards of conduct are stricter than the laws that govern the country. Still, for its tardiness Congress should certainly be chastised. But to allow the executive branch to perform this policing function would contradict the Constitution's fundamental separation of powers doctrine. The Framers rightly saw that the potential for the misuse of executive power for political purposes is strong, and they sought to protect Congress from it.

There clearly remain areas where Congress' enforcement mechanism is inadequate—for example, in worker safety and working conditions under the Occupational Safety and Health Administration (OSHA) act.

We recommend that Congress act expeditiously to create a strong and reasonable enforcement process in this and other areas and to ensure it is living within the spirit of the laws it makes for others.

The Reluctant Sheriff

Sometimes slumbering, sometimes springing to its guns, America has always treated the world with a mixture of involvement and disengagement. Self-absorbed for much of the 19th century, America finally plunged into the First World War in 1917; nervously isolationist for much of the 1920s and 1930s, it rose to the occasion in the 1940s. Now, after four decades of leading the free world, Americans are increasingly wondering whether they still want, or need, the job. The answer to both questions is yes—albeit with qualifications.

Recent events seem, at first, to support the disengagers. Since its high point in 1985-86, American military spending as a percentage of GNP has been shrinking steadily. Manpower is being cut, both at home and abroad; bases are being closed. The end of the cold war not only gives America a chance to tighten its military belt, but emboldens some of its crankier politicians to ask openly for disengagement. Almost all Americans agree that their country cannot be the world's lone sheriff, that Europe and Japan should do more to shoulder common burdens of defiance, and that America's own domestic problems are more pressing than anything, however bloody or heart-wrenching, that flickers over the television screen from places far away.

This is not surprising. On the contrary, it is normal. Most countries construct their foreign policy, without apology, on the basis of national interest. After 1945, the cold war placed America in the position, unique in its history, of being the free world's guardian, spokesman, and cheerleader. Over the years, the rest of the free world became so used to this, so confident of the American sheriff, that it came to accept this aberration as a permanent truth. It should do so no longer.

AN INWARD GAZE

In fact, when the walls crashed down in Eastern Europe in 1989, American foreign policy had already shifted. Vietnam had taught the generals to avoid, as far as possible, wars where the aims were unclear and the exits unmarked. After the end of the cold war, foreign policy shifted again towards greater selectivity and calculation and towards a multilateralism in which America could sometimes lead but sometimes hide. Hemispheric and global trading treaties—NAFTA and the GATT (the General Agreement on Tariffs and Trade)—have been held up, or picked at, because America is no longer prepared to act as a free-trade champion at the cost (or so it thinks) of jobs in Michigan or Texas. Bosnia, offering no prospect but expense, entanglement, and death, failed the national-interest test spectacularly.

Is the United States therefore moving, in Thomas Jefferson's phrase, to a state of "remaining disengaged until necessity compels us"? That would put it too strongly. At this point in its history, bound by a thousand ties of trade, communication, investment, language, culture, and imitation, America can no more disengage from the world than it could dispatch California into the ocean. It remains—because it is so huge, so prosperous, and still so armor-plated—the place to which eyes automatically turn when the world's order is disrupted.

Yet with an economy barely creeping towards recovery and a \$300-billion budget deficit, America does not feel like the engine of world growth, let alone world peace. With collapsing inner cities, high rates of violence, and a society in danger of being balkanized by group interests, it is all too aware of its failures as the chief repository of democratic values. Lastly, America has its own problems with leadership: an impatience with politicians of all stripes, a cynicism about solutions, a preference for the maverick path. This hardly equips it to impose a unifying discipline on others.

SHERIFF AS CHAIRMAN

Some would argue that this is fine. Military might is no guarantee

of skill, or subtlety, or right-reading of a problem; multilateralism seems safer. It is, but the limits of that approach, too, must be understood. The world of the next decade, stripped of its cold-war stabilizers, is likely to be a turbulent and frightening place. Medium-sized countries will more often be fighting medium-sized wars, and Bosnias may multiply. Protectionism is on the rise; trade wars, too, are in prospect.

This is not a world in which the democratic powers can afford to stumble round in disagreement. Multilateral institutions, such as NATO, the UN, or the GATT, can be only as effective as their members. They need a leader who both believes in their aims and abides by their rules. Western Europe is not ready to act as a unit in foreign policy. Japan is not yet prepared, and might never be trusted, to lead a security alliance in the Pacific. That is why the world needs America.

The United States has always fueled its foreign policy with a sense of moral obligation as well as self-interest. Americans can still be persuaded to a course of action abroad simply because it is “right”: because a Calvinist sense of divine appointment compels it to set the world straight. It is this conviction, as much as sheer protective strength, that the world is hungry for. Nor is the need one-sided. At some point America pays a price, at home as well as abroad, when it fails to stand up for the things it believes in.

Americans know this; and, in the baffling new world, they agonize over it. How is the balance to be struck between America’s moral impulse, and its narrower interests? And how is America to judge what its best interests are? All foreign policy must involve leaps in the dark. A short-term cost may bring long-term benefits; to stay uninvolved may bring dangers of its own. In Somalia, are America’s interests better served by a short-term engagement or by staying until the job is done? In Bosnia, should it have got involved at all?

The answer might lie, as much of the best of America lies, in the early history of the republic. The Founding Fathers saw their new country as a preserver of equilibrium among competing nations. In 1918-19 this balancing role, of first among equals, fell to America quite naturally. It could do so again. Fundamentally, America’s broadest interests—peace, freedom, and free trade—are also global ones. The health of institutions like the UN and, especially, the GATT also helps America; and that health depends on a greater and less self-interested measure of

American support. For the most part, America could indeed content itself with running with the herd, acting through steady diplomacy, trade, aid, and quiet influence. But it should retain the prerogative of leaders: to act swiftly, decisively and with force when circumstances require it, or when moral lines must be drawn.

What of America's own self-confidence? The strength America had, and will have again, is not a crudely military one. It lies in the democratic example, in liberal convictions, and in a certain tenderness of conscience. Recover faith in those, and true leadership will look after itself. This steadying role will not come to America overnight; nor will Europe and Japan soon stop hiding behind America's broad back. But they must learn to. A mixture of firm diplomacy, altruism, and action based on principle cannot be America's alone. Nor should it be; for in this new, case-by-case world, America will take the lead only when impelled to. If the other democracies wish to keep America on board, they too must learn to show initiative, and pull their weight. The nerve-wracking new world disorder is not a place for shirkers.

Anonymous

If you are interested in joining The Communitarian Network, call (202) 994-7997 or (202) 994-7907; or write The Communitarian Network, 2020 Pennsylvania Ave., NW, Suite 282, Washington, D.C. 20006.

COMMUNITY-BUILDING

Rebuilding Urban Communities

SENATOR BILL BRADLEY

Dedicated individuals in every city have built communities for themselves by inventing new tools. With little help and less encouragement from government, they have had to recombine and reinvent government programs intended for completely different objectives in order to make them do some good. I'd like to point to urban community-building and initiatives that would promote it, a package of bills that will take the tools invented at the community level, and use the power of government constructively to make those tools available to every community where there is the will and imagination to make them work—tools for creative communities to get self-improvement.

NEIGHBORHOOD RECONSTRUCTION CORPS

In East Harlem, Dorothy Stoneman started YouthBuild in 1978 to give young people both basic education and marketable vocational skills. While getting their high school equivalency diplomas, they have rehabilitated hundreds of abandoned buildings to create affordable housing. Other programs, such as developer James Rouse's Enterprise Foundation, have shown in Baltimore, Detroit, Miami, and other cities that local companies are willing to participate in rebuilding the cities in which they prosper.

To combine the idea of improving job skills with the idea of asking private companies to help build an economically healthy community, I have developed the Neighborhood Reconstruction Corps. This demon-

stration would provide federal funds to match private investments in light-infrastructure projects for public entities. For example, if a local company was willing to put up money to help repaint an inner-city school, or to refurbish a neighborhood center, some money would be available but only if an important condition was met: the project must employ a Neighborhood Construction Corps, a corps of disadvantaged workers who would be organized and trained for light construction by a community-based organization. The first idea might come from a company that realizes its own profit depends on clean, modern roads and good schools and housing. Or the initiative might come from the community-based organization that first assembles a Neighborhood Reconstruction Corps and then seeks out companies that want to undertake projects. Everyone must work together—the private business that will put up at least half the money, the local government or school system, and the community-based non-profit—and if they do, the government will be there to help.

COMMUNITY SCHOOLS

One of the great outrages of our cities is that the one public building that is part of every neighborhood and every family's life—the school—bolts its doors tight every afternoon at 3:30 or 4:00 and every Friday for 48 hours. During that time, kids whose parents are not home often have no safe place to go and no one to help them with homework, sports, or the basic questions about growing up. The dedicated people of the community, who want to be a part of raising the community's children, have no place to come together and help. But if we look at what a few dedicated people have done, we can find an answer. In Newark, New Jersey, it's the Boys and Girls Club of Newark. In East Orange, New Jersey, a local YMCA is transforming itself into a "safe haven" for young people after school. And in Washington, D.C., it's a former executive named Kent Amos, who gave up his career to give his full attention to the 50 or more kids who come to his home every afternoon for help with homework and other activities.

Meanwhile, the school buildings, with their gyms and libraries, their nurses offices and auditoriums, are shuttered. Later this year, I hope to join Senator Danforth (R.-Missouri) in introducing Community Schools. It will provide basic funds to open the schools after hours for

purposes the community chooses. It might be a safe place for homework, or an athletic program, or a parenting program for young mothers. Kids need two things during their free time: a place and a mentor. This bill will give both, in communities where there is the kind of commitment that Kent Amos and others have demonstrated in Washington, D.C. But now a caring community can affect hundreds of thousands of kids, not just 50.

COMMUNITY CAPITAL PARTNERSHIP

Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends our money to businesses in our communities, and we borrow ourselves when it comes time to buy a home or we have an inspiration to start a business. But in most American cities, the only financial institution they know is the check-cashing cubicle, which charges up to 5 percent just to cash a government check and takes the money back out of the community. People who want to save have nowhere to go, and businesses have no access to capital. Within the 165 square miles that make up the areas most affected by the Los Angeles disturbances, there are 19 bank branches, as compared to 135 check-cashing establishments.

Over the last 20 years, Shorebank of Chicago has shown the world that a financial institution that is committed to community development can lead a community back from the brink of economic and social decline. Since 1973, it has made \$340 million available in development financing, mainly for the purchase of rehabilitation of housing units in Chicago's South Shore neighborhood.

Shorebank is more than just a bank. Through its various subsidiaries and affiliates, it has been an active force in the revitalization of the South Shore. Shorebank has used a subsidiary, City Lands Corporation, to make high-risk loans for housing development. It has used a non-profit affiliate, the Neighborhood Institute, to help disadvantaged residents achieve their GEDs, start up small businesses, and train for jobs available in the community. It has used its depository institution, South Shore Bank, to make loans to people seeking to renovate apartment buildings and establish small businesses that generate jobs in the community.

The bank now boasts of over \$211 million in deposits, almost half of which come from residents of the South Shore community. We often hear about how banking institutions take money in the form of deposits from economically-distressed areas and reinvest them in other areas. Shorebank shows how assets from the community can be put to work for the community!

Another home-grown project dedicated to the benefits of capital and savings is New Community Corporation in Newark, New Jersey. New Community Corporation was formed in the wake of the Newark riots of 1967. Over the last 25 years, it and its subsidiaries have developed over 2,500 housing units, 25,000 square feet of office space, and an \$11-million extended care facility. New Community has also built a \$15-million shopping center, which contains Central Newark's only major grocery store built since 1967.

New Community's founder, Monsignor William Linder, testified recently before Congress: "I have seen bank branch after bank branch close because the bank did not find serving our community profitable. There was always the same trend. Managers were frequently changed, service became poor, the facility was always dirty. Frankly, no one in authority cared about our community."

But instead of giving up hope, Monsignor Linder and others started a credit union. He now presides over a credit union with about \$1.7 million in assets that provides basic banking services to community residents. Last year, New Community's credit union made 165 loans, mainly to poor residents of Newark's Central Ward. Basic banking services like check cashing, consumer loans, and savings accounts are taken for granted by a lot of people, but in places like the Central Ward of Newark they have become scarce and prized commodities. Like Shorebank, New Community, in its own way, has recreated opportunities for its community.

The bill I've introduced commits the federal government to efforts like those taken in Shorebank in Chicago or New Communities in Newark. It increases the amount of funds authorized in various government programs for the benefit of community development financial institutions, and expands the number of institutions that are eligible for the funds. It creates a new program specifically designed to help

institutions like New Community—community development financial institutions—grow into community development banks like Shorebank, and it helps institutions like Shorebank expand their services.

ENTREPRENEURSHIP TRAINING

When we confront our fears about the city, we have to start with our assumptions about the people who live there, particularly young black men. But here is another view of the young people of the inner city: “They confront risk daily; they are resilient, intuitive, creative and observant; and they have learned to take great initiative within a stifling environment, just to survive.” To Steve Mariotti, a former Detroit auto executive, these were the characteristics of a successful entrepreneur. With help from private foundations, he started the National Foundation for Teaching Entrepreneurship. Where others looked at these same kids and saw only their deficits and their problems, Steve saw their strengths. And he was right. By working in schools and settlement houses with kids as young as six and up to the age of 24, he taught people about the value of money, and about how to use their instincts and skills to grow in the long run, not just to survive in the short run. In 1990, the Foundation graduated 225 young entrepreneurs, who started 152 businesses, including retail clothing firms and food and catering businesses.

The Foundation for Teaching Entrepreneurship is just one program that might benefit from my Entrepreneurship Training Program for urban residents young or old. The bill authorizes \$85 million in grants to community colleges and community development corporations in economically-distressed central cities to develop an entrepreneurship curriculum and train urban residents for self-employment. It also provides \$150 million in guarantees of loans made by community development corporations, community development loan funds, community development credit unions, and community development banks to finance small business start-ups by graduates of such self-employment training programs.

FIFTEEN-MONTH HOUSES

As essential as investment, capital, and infrastructure are, they are not family. They are not children. And nothing is more vulnerable than

children to the pressures of the city. Raising children is a 24-7-365-20 proposition: 24 hours a day, seven days a week, 365 days a year, for 20 years. Young mothers often do not realize this, and with the pressures of the city—the economic pressures, drugs as a commonplace of life, crime and guns—it is more difficult for them to provide that steady hand than it is for many other parents. That’s why I think Fifteen-Month Houses make sense.

Yet a few people have stepped in to build communities that set children on a sound course through life by caring for them in the most important fifteen months of life: the last trimester of pregnancy and the first year after birth. In Los Angeles, Bea Stolzer and an organization called New Economics for Women put together everything they could find, including low-income tax credits, local housing development credits, Community Reinvestment Act credits, and welfare system funds, to build Casa Loma, a residence for 110 single-parent families and senior citizens, with child-care space, family services, and vocational programs. In New York, The Bronx Parent Association has developed a 12-18 month residential program—La Casita—to serve pregnant women and women with young children. It provides initial evaluation of enrollees for psycho-social needs and substance-abuse problems, counseling, on-site medical services, job training, parenting classes, on-site day care, and a one-year follow-up.

From these home-grown initiatives, I have come up with the idea of Fifteen-Month Houses, and later this year I will introduce a bill authorizing \$250 million to establish residential programs for low-income and young mothers during the third trimester of the mother’s pregnancy and the first year of life. The program must provide the mother with health and substance-abuse screening or treatment, and education in parenting. For the child, the program must include cognitive stimulation as well as immunizations and other care. The Robert Wood Johnson Foundation recently completed a study showing that if children are provided not just healthy care during the first year of life, but also systematic cognitive stimulation, behavior problems will be reduced later, they will progress more quickly in education later, and the burden on the school to remedy problems from early in life will be correspondingly reduced. Fifteen-Month Houses will be intended to provide that safe and stimulating year to the most vulnerable children.

INDIVIDUAL DEVELOPMENT

Another reality of city life that we have to face up to is government's failure to lift people out of poverty. The average income in Newark, New Jersey, is about \$9,000 a year. The average income for New Jersey overall is three to four times that. While cities have gotten poorer, government has been engaged in an endless debate about whether traditional welfare programs give people too much income, discouraging work—or too little. While this debate is important, it misses a key point: traditional welfare programs that support income and spending can never, by themselves, lift people out of poverty. You can no more spend your way out of poverty than you can borrow your way out of debt. To become economically self-sufficient requires at least some assets—a house, a savings account in case of an emergency, even an education counts as an asset. Poor people are much poorer in assets than in income. For example, African-American families with monthly incomes below \$900 have an average net worth of about \$88. That includes everything—furniture, a car, savings, the value of a pension. The average net worth for white families earning only two to three times as much is *more than \$50,000*.

For middle-class people, the government encourages and heavily subsidizes the development of assets. Interest paid on home mortgages is tax-deductible. Pensions are tax-deferred, and Individual Retirement Accounts are encouraged. Meanwhile, poor people live in neighborhoods where there are no banks; without a pension or a down payment on a home, they cannot take advantage of the many ways our government helps people develop assets. If they are on welfare, they cannot even save \$2,000 or so to buy a car and get to a job without being penalized by welfare. Indeed, in Milwaukee, Wisconsin two years ago, a young single mother named Grace Capitello managed to save \$3,000, making clothes and toys for her daughter instead of buying them and by scrimping at the grocery store. For her efforts, she was charged with fraud by the county and ordered to turn over all her savings. Fortunately a judge understood. Throwing out the case, he complained, "I don't know how much more powerfully we could say it to the people in our society: 'Don't try to save'—than we were by this action."

From the creativity of Grace Capitello comes the idea for the Assets for Independence Act. This bill would not only allow poor people to save

without penalty, it would encourage it. It would allow anyone with income up to twice the poverty line—or about \$22,000 for a family of four—to establish an Individual Development Account (IDA) and contribute up to \$2,000 a year, the same as in an Individual Retirement Account. This account could be used for only four purposes: to buy a first home, to pay for college education, for retirement, or to start a small business. To reward savings, the program would provide funds to community-based non-profits to match the savings in an IDA, up to a total of \$2,000. This bill would authorize \$200 million to establish a broad demonstration of this revolutionary concept.

INCREASING MOBILITY

The most striking characteristic of American central cities today is their isolation. Once the hub of their regions, the center of commerce, jobs, and culture, inner-cities are now isolated socially, culturally, and economically. Outsiders look in, through movies like *Boyz 'N the Hood*, at a world with its own values, its own language, and its own icons of popular culture. But all the talk in Washington about the “culture of poverty” diverts our attention from the very simple fact of isolation from jobs. It is not news that a central city like Newark lost 80,000 jobs between 1970 and 1988. But these cities are nestled in metropolitan areas that were creating far more jobs than were lost, including many entry-level jobs with modest skill requirements. Mobility strategies could connect entry-level jobs with the people who need them through creative transportation.

Unfortunately, those jobs were in the suburbs. To say that an urban resident can't get an entry-level job until the city revives in total is to say that a generation will be wasted, as politicians of all races give excuses and bureaucrats twiddle their thumbs and push paper. In 20 large metropolitan areas of America, more than 75 percent of the jobs created in the 1980s were outside of the central city. And in six areas, including Chicago, Cleveland, and Detroit, every single new job created—100 percent of the net job growth—was in the suburbs.

In southeast Chicago, residents of the Le Clair Court housing project concluded that the barrier between Le Clair residents and jobs was simply transportation. Most Le Clair residents don't own cars, and bus transportation to a suburban job means getting up three hours before

work and returning home well after dark. With the help of a creative young manager named Theresa Prim, they scraped together \$250,000 from foundations to buy five 20-person vans, and began to talk to suburban businesses about their desperate need for entry-level workers. They concluded that if people had good jobs, they would pay six dollars a day for transportation to those jobs. Now fares paid by workers or employers cover almost half the cost of the Accel Transportation project. The vans are full. And many Le Clair residents soon buy a car to get to their new jobs, opening a spot in the van for someone new. Besides transportation, the program includes job counseling and conflict resolution for workers who are not used to suburban jobs and employers who are not accustomed to hiring inner-city residents and often must overcome their own ingrained impulses on issues of race.

I have not given up hope that we can draw more jobs to the cities, but we can no longer put all our hopes in that strategy. We know where the jobs are, and we know that in good economic times, companies have a hard time filling those jobs. In 1987 and 1988, companies in northern New Jersey were desperate for workers and began to run their own vans into Newark. But when the economy turned down, companies quickly cut this cost, and urban workers were cut off before they developed a permanent attachment to the work force.

My "Mobility For Work" initiative is intended to build a lasting connection between urban workers and suburban jobs by helping projects like Accel Transportation get going. At only \$15 million, it is the least expensive component of this urban initiative, but one with the most possibilities. Everything is interconnected. For example, when city dwellers return to their communities in the evening with real earnings from jobs, banks and retail businesses will emerge to serve them, creating more jobs in the community and starting a cycle of prosperity. Some urban residents might move out to the suburbs, closer to the jobs, or some businesses might be drawn back to the city, once they overcome their prejudices about inner-city minority workers. This is a demonstration program, with a rigorous evaluation at the end to determine the effects of this new strategy.

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The Dangers of Soft Despotism

CHARLES TAYLOR

I would like to look by way of illustration at some familiar types of failure of the democratic process, and at their possible remedies.

FIRST DANGER: THE CENTRALIZATION OF POWER

The first is the familiar sense of citizen alienation in large, centralized, bureaucratic societies. The average citizen feels power to be at a great distance and frequently unresponsive to him or her. There is a sense of powerlessness in face of a governing machine which continues on its way without regard to the interests of ordinary people, who seem to have little recourse to make their needs felt. There seems to be no way that the ordinary citizen can have an impact on this process, either to determine its general direction, or to fine-tune its application to his or her own case. This effect is greater the more matters are concentrated in the hands of a remote central government, and the more bureaucratized the procedures of government are.

Centralized bureaucratic power does not mean, of course, that the government has things all its own way. Powerful lobbies intervene and affect its course. But these too are remote from the ordinary citizen and generally equally impervious to his or her input.

This is the situation Tocqueville warned about, and for which he suggested the following remedy. It consists of decentralized power, of having certain functions of government exercised at a more local level, where citizen mobilization to make an impact is a less daunting task.

But hypercentralization is not only a danger of the political system. It also affects the public sphere. Just as in politics, local concerns may

impinge only with difficulty on the center; so the national debate may become concentrated in a small number of large-scale media that are impervious to local input. The sense becomes widespread that the debate on the major television networks, for instance, is shaped by relatively narrow groups or interests, and that its animators operate within a charmed circle which is very difficult to penetrate. Other views, other ways of posing the questions, other agendas cannot get a hearing.

THE NEED FOR A FLOURISHING PUBLIC SPHERE

Tocquevillian decentralization is necessary in the public sphere as well. And indeed, each can support the other. The fact that important issues are decided locally enhances the importance of local media, which in turn focus the debate on these issues by those affected.

But it is not just a matter of bringing certain issues down to the local level where the local debate can affect them. The national debate can be changed as well by effective local public spheres. The model which seems to work here is one in which smaller public spheres are nested within larger ones, in the sense that what goes on in the smaller ones feeds into and has an impact on the agenda of the national sphere. The public sphere of a regional society can have that kind of impact, provided the political life of this society itself has some significance for the whole—a good example of how political decentralization also facilitates the enlarging of the public sphere.

But there are other kinds of smaller spheres as well. An example of a type that has been significant for some western societies is provided by certain political parties and social movements. These can function as nested public spheres to the extent that their internal debate is open to the larger public. Then, depending on the significance of the party or movement politically, their inner debate can spill over and help to determine the national agenda. Some parties have had this function. But the most striking examples in recent decades are found in some of the “new social movements”: for instance, the feminist movement (to the extent that one can speak of it in the singular), and ecological campaigns. These movements have not impacted on the political process the way lobbies usually do, mobilizing their efforts behind some agreed public stance and keeping their internal discussion to themselves. On the

contrary, their internal debates have been out there for all to see, and it is as much through these as through their global impact that they have helped reshape the public agenda. That is why I want to speak of them as nested public spheres.

The model of public sphere which is emerging in this discussion is clearly different from the original 18th-century paradigm in at least two respects. That original model seemed to posit a unitary space, and I'm suggesting here a multiplicity of public spheres nested within each other. There is a central arena of debate on national policy, but it is not the public sphere analogue of a unitary state, but rather of a central government in a federation. Secondly, the clear boundary between the political system and the public sphere has to be relaxed. Some of the most effective nested public spheres are, in fact, political parties and advocacy movements, which operate in the gray zone between the two. In a modern democratic polity, the boundary between political system and public sphere has to be maximally porous.

That is, if we want this sphere to play its role in widening and expanding the public debate. If we think of it as a watchdog, limiting power, then the old model seems right. It is obviously easier for national networks, or prestigious papers with a national reputation, to take on the power-holders. For the purposes of this function, a sphere dominated by large and powerful units, maintaining political neutrality, can seem ideal. But it can be disastrous for a genuine national debate.

SECOND DANGER: A DIVIDED PUBLIC

Democratic decision making can also be impeded, even stymied altogether, by rifts within the political community. These can arise in a number of ways. One is a modality of "class war," in which the least favored citizens sense that their interests are systematically neglected or denied. In this regard, it is clear that the kind of solidarity expressed in most Western democracies in the various measures of the "welfare state," apart from their intrinsic justification, may also be crucial to the maintenance of a functioning democratic society.

Another kind of rift may arise when a group or cultural community feels itself to be unrecognized by the larger society, and becomes less willing in consequence to function on a basis of common understanding

with the majority. This may give rise to a demand for secession, but even short of this it creates a sense of injury and exclusion, in which the requirement that all groups be adequately heard seems impossible to fulfill. In the climate of presumed exclusion, the said group will not consider its demands adequately addressed unless they are completely accepted. There is no simple way to deal with this kind of rift once it arises, but one of the major objectives of democratic politics ought to be to prevent them arising. This is another reason why ensuring that all groups have a bearing is of the utmost importance. This is not easy to achieve in our present era of “multiculturalism.”

POLITICAL FRAGMENTATION

The effects of centralization and divisions can be exacerbated if they produce what I want to call political fragmentation. That is, if they impact on the political process and change its form. People can respond to a sense of exclusion by practicing a mode of politics which seems predicated on the belief that society is at best composed of mutually disinterested citizens, and is perhaps for the most part even malevolent in relation to the group in question. To the extent that the people concerned have already come to accept an atomistic outlook, which sees society as an aggregation of individuals with their life plans and denies the reality of political community, this reaction is all the more readily available. Or the response may be powered by a philosophic vision of exclusion—say, a Marxist view of “bourgeois” society as irretrievably divided by class war, or certain feminist views of liberal society as irremediably vitiated by patriarchy—such that any invocation of political community is made to appear a sham and a delusion.

The kind of politics which tends to emerge out of this sense of exclusion, whether grounded in reality or philosophically projected (and it is often a mixture of both), is one which eschews the building of coalitions on a broad range of policies around some conception of the general good. Its attempt is rather to mobilize behind the group’s demands on a narrow agenda, regardless of the overall picture, and the impact on the community at large. Any invocation of the community good as grounds for restraint in this politics tends to be viewed with suspicion.

This is what I want to call political fragmentation, the breaking up

of the potential constituencies for majority coalitions behind multifaceted programs designed to address the major problems of the society as a whole, into a congeries of campaigns around narrow objectives, each mobilizing a constituency determined to defend its turf at all costs.

The picture I am offering here is somewhat Tocquevillian, and yet it is significantly different from Tocqueville's. He apprehended a kind of vicious circle, in which citizen apathy would facilitate the growth of irresponsible government power, which would increase the sense of helplessness, which would in turn entrench apathy. But at the end of the spiral would lie what he called "soft despotism," in which the people would be governed by an "immense tutelary power."

Now Tocqueville's portrait of a "soft despotism," much as he means to distinguish it from traditional tyranny, still sounds too "despotic" in the traditional sense. Modern democratic societies seem far from this, because they are full of protest, free initiatives, and irreverent challenges to authority; and governments do in fact tremble before the anger and contempt of the governed, as these are revealed in the polls that rulers never cease taking.

SPECIAL-INTEREST POLITICS

But if we conceive Tocqueville's fear a little differently, then it does seem real enough. The danger is not actual despotic control, but what I am calling fragmentation, that is, a people less and less capable of forming a common purpose and carrying it out. This fragmentation comes about partly through a weakening of the bonds of sympathy, through a rift of one of the kinds described above, and partly also in a self-feeding way, through the failure of democratic initiative itself. Because the more fragmented a democratic electorate in this sense, the more they transfer their political energies to the promotion of their partial groupings, in the way I want to describe below, and the less possible it is to mobilize democratic majorities around commonly understood programs and policies. A sense grows that the electorate as a whole is defenseless against the leviathan state; a well-organized and integrated partial grouping may, indeed, be able to make a dent, but the idea that the majority of the people might frame and carry through a common project comes to seem utopian and naive. And so people give up.

Already-failing sympathy with others is further weakened by the lack of a common experience of action, and a sense of hopelessness makes it seem a waste of time to try. But that, of course, makes it hopeless, and a vicious circle is joined.

Now a society that goes this route can still be in one sense highly democratic—that is, egalitarian—and full of activity and challenge to authority, as is evident if we look at the contemporary United States. Politics begins to take on a different mold, in the way I indicated above. One common purpose which remains strongly shared, even as the others atrophy, is that society is organized in the defense of rights. The rule of law and the upholding of rights are seen as very much the “American way,” that is, as the objects of a strong common allegiance. The extraordinary reaction to the Watergate scandals, which ended up unseating a president, are a testimony to this.

In keeping with this, two facets of political life take on greater and greater saliency. First, more and more turns on judicial battles. The Americans were the first to have an entrenched bill of rights, augmented since by provisions against discrimination, and important changes have been made in American society through court challenges to legislation or private arrangements allegedly in breach of these entrenched provisions. The famous case of *Brown vs. Board of Education*, which desegregated the schools in 1954, is a case in point. In recent decades, more and more energy in the American political process is turning towards this process of judicial review. Matters which in other societies are determined by legislation, after debate and sometimes compromise between different opinions, are seen as proper subjects for judicial decisions in the light of the Constitution. Abortion is a case in point. Since *Roe vs. Wade* in 1973 greatly liberalized the abortion law in the country, the effort of conservatives, now gradually coming to fruition, has been to stack the court in order to get a reversal. The result of the growing importance of the courts has been an astonishing intellectual effort, channeled into politics-as-judicial-review, which has made law schools the dynamic centers of social and political thought on American campuses; and also a series of titanic battles over what used to be the relatively routine—or at least non-partisan—matter of senatorial confirmation of presidential appointments to the Supreme Court.

Alongside judicial review, and woven into it, American energy is

channeled into interest or advocacy politics. People throw themselves into single-issue campaigns and work fiercely for their favored cause. Both sides in the abortion debate are good examples. This facet overlaps the previous one, because part of the battle is judicial, but it also involves lobbying, mobilizing mass opinion, and selective intervention in election campaigns for or against targeted individual candidates.

INABILITY TO FORGE CONSENSUS OR COMPROMISE

All this makes for a lot of activity. A society in which this goes on is hardly a despotism. But the growth of these two facets is connected, part effect and part cause, with the atrophy of a third, which is the formation of democratic majorities around meaningful programs which can then be carried to completion. In this regard, the American political scene is abysmal. The debate between the major candidates becomes ever-more disjointed, their statements ever-more blatantly self-serving, their communication consisting more and more of the now famous "sound bites," their promises risibly unbelievable ("read my lips") and cynically unkept, while their attacks on their opponents sink to ever more dishonorable levels, seemingly with impunity. At the same time, in a complementary movement, voter participation in national elections declines, and has recently hit 50 percent of the eligible population, way below that of other democratic societies.

Something can be said for, and perhaps a lot can be said against, this lop-sided system. One might worry about its long-term stability, worry, that is, whether the citizen alienation caused by its less and less functional representative system can be compensated for by the greater energy of its special-interest politics. The point has also been made that this style of politics makes issues harder to resolve. Judicial decisions are usually winner-take-all; you either win or you lose. In particular, judicial decisions about rights tend to be conceived as all-or-nothing matters. The very concept of a right seems to call for integral satisfaction, if it's a right at all; and if not, then nothing. Abortion once more can serve as an example. Once you see it as the right of the fetus versus the right of the mother, there are few stopping places between the unlimited immunity of the one and the untrammelled freedom of the other. The penchant to settle things judicially, further polarized by rival special-interest campaigns, effectively cuts down the possibilities of compro-

mise.

We might also argue that it makes certain issues harder to address, those which require a wide democratic consensus around measures which will also involve some sacrifice and difficulty. Perhaps this is part of the continuing American problem in coming to terms with their declining economic situation through some form of intelligent industrial policy. And perhaps this has something to do with the underdeveloped nature of the welfare state in the U.S., in particular, the lack of a public universal-health scheme. These kinds of common projects become more difficult to enact where this style of politics is dominant. For they cannot be carried through by mobilizing a clearly defined constituency around a single, narrowly-focused front. They require rather the building of a wider alliance which can sustain a broader range of interlinked policies over time—the kind of politics practiced by social-democratic parties in a number of Western democracies. (Or for that matter, by their opponents: see the Thatcher counter-revolution for an example.)

TURNING A VICIOUS CIRCLE INTO A VIRTUOUS CIRCLE

How do you fight fragmentation? It's not easy, and there are no universal prescriptions. But we have seen that fragmentation grows to the extent that people no longer identify with their political community, that their sense of corporate belonging is transferred elsewhere or atrophies altogether. And it is fed, too, by the experience of political powerlessness. And these two developments mutually reinforce each other. A fading political identity makes it harder to mobilize effectively, and a sense of helplessness breeds alienation. Now we can see how in principle the potential vicious circle here could be turned into a virtuous circle. Successful common action can bring a sense of empowerment and also strengthen identification with the political community. Indeed, the debate around certain kinds of issues, which establishes certain common goals despite radical disagreements about the means, can help to make the sense of political community more vivid, and thus to some extent offset the tendency of deep political divisions to paint the adversary as the devotee of utterly alien values. The contrast is striking with, say, the abortion debate, where both sides readily can come to believe that their opponents are enemies of morality and civilization.

One of the important sources of the sense of powerlessness is that we are governed by large-scale, centralized, bureaucratic states. What can help mitigate this sense is decentralization of power, as Tocqueville saw. And so in general, devolution, or a division of power, as in a federal system, particularly one based on the principle of subsidiarity, can be good for democratic empowerment. And this is the more so, if the units to which power is devolved already figure as communities in the lives of their members.

What this points to is a kind of equilibrium which a liberal political system should seek. It is a balance between the party-electoral system on one hand, and the proliferation of advocacy movements on the other which are not directly related, if related at all, to the partisan struggle. The first is the channel through which broad coalitions on connected issues can be built and can effect their purposes. When this atrophies, or functions badly, effective citizen action on a large number of issues becomes difficult if not impossible. But if the party electoral system were to be there alone, if the wide range of movements engaged in extra-parliamentary politics were to disappear, then the society would be badly blocked in another way. It would lack that network of nested public spheres which alone keeps its agenda open and provides a way into political efficacy for large numbers of people who would never make the same impact through the established parties.

In a sense, there needs to be not only a balance between these two, but a kind of symbiosis; or at least open frontiers, through which persons and ideas can pass from social movements to parties and back again. This is the kind of politics which liberal societies need.

Drawing by Luckovich; © 1993 Atlanta Constitution

Work Gets No Respect on TV

BENJAMIN STEIN

Start with the obvious: the American worker is in trouble. Mocked by the Japanese, he finds himself squeezed out of jobs by more productive, cheaper workers abroad, his products scorned even by other Americans. He is derided in public and private for his bad work habits, inattention to detail, and supposed lack of devotion to his task.

One particular species of American worker, the education worker, or “student,” is often found at the bottom of the heap in rankings of ability in a variety of subjects—especially mathematics, geography, and the sciences—when compared with students in other industrial countries. His teachers are condemned for their failure to turn out a good product, and the students themselves are often found wanting even in basic skills by employers.

This is fact. Now go to another fact. In America today, television is not a sideshow. TV is so pervasive, so all-encompassing at almost every level of society, that it is part of the whole parenting, teaching model from which young and not-so-young Americans learn their habits and attitudes.

But what is TV teaching Americans about work at the factory or office—or classroom? What is TV’s example, held up to the whole nation, of what work should be like, what jobs should be like, and what that essential preparation for work—schoolwork—should be?

Based on the twenty years I’ve been involved in the television business as critic, writer, producer, and actor, and more recent study of its messages about work, a sobering picture indeed emerges. Television in prime-time and reruns is conveying a sadly irresponsible message about what work is, what work discipline is, what kind of treatment one

can expect at work, and what school is all about. It's a picture which cannot possibly be helpful in getting America back into the game in a winning way.

There are undoubtedly exceptions, but here is a sampling of how TV is telling us work is.

SCHOOL ON TV

On a recent episode of "Married With Children," the beautiful, seductive daughter, Christina Applegate, is told to cook a dish in her home-economics class. She does a poor job, is helped by her mother, Katie Sagal, who bumbles her way until finally making something good, has her mother doublecross her to get credit towards a long-missed high school diploma, and then is mocked mercilessly by her teacher. It was an extremely funny episode, but the only possible lesson to be drawn from the show was that schoolwork is a joke, that teachers are a joke, and that even cool parents (such as Katie Sagal) think that schoolwork is a joke.

On another recent show, "Charlie Hoover," Tim Matheson, as a father, helps his pouting daughter to cook a special delicious dish for her home-economics class. Imitation is sincere flattery indeed in TV land. The daughter, who had furiously resisted the idea of doing any work at all, in the firm and sure belief that she only had to pout to get her way, is finally ordered by Dad, then cajoled by Dad, to do her work.

Her "reward" is that she is mocked and then screamed at by a home-economics teacher whom she has accidentally poisoned. The teacher is shown to be distinctly insane. The father becomes so convinced that the teacher is a loon that he joins in the chorus of shouting at her. As "Charlie Hoover" ends, it's clear that the father was wrong to encourage hard work at school, and that it is better not to take school and the nutcases who reside there seriously.

This is in addition to the weekly drumbeat on "Parker Lewis Can't Lose." The general theme is that school is a concentration camp, that teachers—and especially school administrators—are exemplars for the late KGB, eager only to control and humiliate their students, and that the only cool response is to cheat, play games, and disrupt school routine.

Now, these are examples only. Yet with some notable exceptions, as portrayed in prime-time TV, school is a forum for mockery of education, laughing at discipline, and applause for rebellion against a system usually shown as deadening and close to dead itself. In a word, if a young American were to take his cue from prime-time and its reruns about what attitude he should take towards school, he would be in a sadly self-destructive state indeed.

WORK ON TV

The picture in the adult work place is not much better, if at all. *If* work is shown, it is usually shown as foolish and irrelevant or morally oppressive.

For example, in an episode of "A Different World," the show's star, a beautiful young woman named Jasmine Guy, cheerily goes off to sell a valuable antique from ancient Egypt to a vice president of her firm. He makes sexual advances to her and attempts to "coerce" her into a sexual relationship with him. When she complains to the head of the firm, he takes the side of the sex harasser. Only after desperate attempts to set the matter to rights is she given the slightest help. The picture is of work as a place where reason, justice, and self-respect are best checked at the door, and where caginess, toughness, and injustice rule the roost.

In an episode of "Civil Wars," set in a legal office, a bitterly contested divorce was settled by, of all implausible things, a sword fight between the older husband and the younger paramour. In another episode, the rights and wrongs of a case are conveniently disposed of by a gun-wielding nerd. These are fine plots, and "Civil Wars" is a fine show. But the impression that it gives is that in a legal office, work rarely occurs. Or, more wide of the legal office mark, the impression is given that in a work setting, conflicts and problems can be resolved by force, and that even-handed reasoning and effort yield no rewards.

On the long-running "Knot's Landing," the empire of Sumner was shown as a hotbed of gossip and (still more) flirtation. It's a rare day in the Sumner Group when anyone, even for a momentary montage, is shown actually writing anything, researching anything, or calculating anything. And on "Murphy Brown," another fine show, Candice Bergen definitely has a great job, but her "work" consists mostly of covering

bizarre events and swapping jokes with zany colleagues and admirers.

Even on “L.A. Law”, the long-running serial which has now broken a number of taboos such as showing interracial sex on TV, there remains a final taboo: actually showing one of the partners of the firm putting in grueling, painful, exacting hours of research and negotiation. These, while hinted at, are shown rarely indeed.

On “Married With Children,” the husband, Ed O’Neill, who works in a shoe store, is actually shown to be extremely diligent and devoted to his livelihood. His reward? He is mocked and held in contempt by his entire family—and he even scorns his own achievements himself. Hard work, for modest pay, is not its own reward. It’s a nightmare.

TAKING OUR CUE FROM THE TUBE

Now, it would be easy to retort that of course TV is going to show work as funny, glamorous, violent, or sexually charged. It would be easy to say that work on TV is shown as dramatic or comical because TV is *about* comedy and drama. Showing *real* work, even in pastiche, would bore and alienate viewers.

And, undoubtedly, there is something to that. But that argument is blind to the fact that, once again, in contemporary America, TV is not just an occasional amusement, but shapes reality. This line of reasoning misses the novel idea that TV can be helpful, and not merely distracting or misleading. If you think of TV rightly not as a Saturday matinee at the Bijou, but as part of the texture of daily life, part of the neighborhood, the problem with TV’s negative depictions of work and school becomes far clearer.

In real life, TV is like a whole neighborhood of kids who mouth off and talk back and cheat in school, while you are trying to be diligent and do your work (maybe). Obviously, with neighbors and friends like your pals from TV, you are soon going to pick up the bad study habits that they have. If your pal Parker Lewis and your pal Christina Applegate don’t take school seriously and still have a great life, it’s going to inhibit your taking school seriously at all.

Likewise, if you live on a street where all of your neighbors get to goof off and tell jokes at work all day, or else get to shoot guns and flirt at work

all day, you are soon going to feel cheated that you have to add up numbers or attach bumpers or write software. The characters on TV are a constant, endless irritant to anyone who has an idea that he or she will really get some work done. And with millions of viewers who frequently take TV as a serious example, its message about work eats into our discipline and work ethic.

As a teacher, I occasionally hear students talk about their part-time jobs and unhappily compare them with the work they have seen young people doing on “A Different World.” As an employer of young people doing legal research, I have heard complaints that their work is not as interesting (in that it’s real work) as the work they see young lawyers doing on “L.A. Law.” When I worked at the White House, long ago, I was part of a circle of speechwriters who frequently bewailed our not working at the newsroom where Mary Tyler Moore worked—exactly as if it were real.

In a word, TV makes the viewer—or at least too many viewers—feel as if we’re suckers for doing anything more disciplined or difficult than what Jasmine Guy or Kirstie Alley or William Devane do. The tube tells us work is for losers and squares.

THE WINNERS

It does not have to be this way. There are shows which swim against the tide. My own beloved “The Wonder Years,” on which I was a recurring character for three years, frequently showed Kevin’s father working very hard. The show further noted by example and precept that hard work—and frustrating, not glamorous hard work at that—was a basic and dignified part of the human portion. An episode in which Kevin goes with Dad to work and sees just how hard it is—and also how unavoidable—sticks particularly in my mind. The old “Dragnet” used to show Joe Friday not in fancy cars, not in expensive suits, not having sex—but just doing methodical detective work. Work was work—but it was interesting, dramatically drawn, and a ratings success for many years.

To be sure, actually portraying drudgerous work is not easily made dramatic. But somehow *Gone With The Wind* got across the idea that managing and working on a plantation was hard work—and was

uniquely dramatic. To be sure, showing routine work is not exciting, but just as surely, Bill Cosby was able to explain convincingly and dramatically to his kids that work is a necessary, even healthy part of life.

Granted, it's not as exciting to see teenagers studying a lesson plan as to see them discovering sex. But when Bob Saget on "Full House" took a few minutes to teach his pre-schooler how to read by using the letters *A* and *T* to spell 'CAT' and 'HAT', it was a dramatic, even tearfully happy moment.

It's not as visually seductive to show a taxi driver's day as to show men jumping in rhythm on a stage, but Norman Lear managed to give Archie a job—and also dignity just from doing his job and supporting his family.

Work, respect for work, the necessity of work—especially the sense of self-esteem that comes from work—do not have to be invisible on TV. People smart enough to make brilliant shows like "Cheers" or "The Wonder Years" or "Cosby" or "L.A. Law" easily have it in their power to do what Arthur Miller did in *Death of a Salesman*, what Norman Lear did in "All in the Family," and what many other writers have done before them: to show that discipline, work, and all the habits that make people and nations self-sufficient and proud of themselves are not for losers but for winners.

These are difficult times for Americans. Parents have to teach their children well about the meaning of work and study. TV is our national third parent and should pitch in along with the other parents to get our work attitudes, as individuals and as a nation, back on track. TV is not an itinerant carnival. It's a basic of the national fabric. The people who work in it are well paid—and they should be. But they are needed now to use their talents to get us through hard times and set the stage for the next century. With great power comes great responsibility, and the time is now.

The German Draft: A Model for America?

NICOLA CLARK

Bill Clinton has inundated Americans with proposals for expanded government programs in public works, environmental conservation, child care, health care, community policing, and now national service. It is a broad, activist agenda that a debt-ridden nation can ill afford—and yet it wins consistent support from student voters who have yet to develop much of a sense of fiscal responsibility. Many other advanced industrialized countries have extensive social programs like these in spades; but instead of executing their state-mandated do-goodism with union and college labor, they do it with extremely low-paid conscripted national servants. Why? Because it's the only way these governments can afford to make good on these generous welfare promises without burying their nations in debt.

National service will not come cheaply; in fact, Americans may soon see the budget for this program swell to the original \$10.8 billion that Mr. Clinton originally envisioned. A couple of factors at least have guaranteed that much: Minimum-wage laws and labor union fears of being outbid by low-paid “volunteers” severely constrain fiscal flexibility when it comes to compensating these young altruists; and by tying this program to college tuition reimbursement, the president's plan has built into itself a snowball effect, which every year will place upward pressure on the reimbursement amount now capped at \$10,000 for two years of service. (College tuitions have increased about 10 percent a year since 1983, while inflation has averaged about 4 percent annually for the period.) But Mr. Clinton downplays the costs. After all, if Europeans can do it, why not do it here, too? He'll get no argument, apparently, from the scores of less-than-critically thinking collegians tuned into their Sony

Discmans instead of their economic texts.

Fifteen hundred spirited “volunteers” took part in the Summer of Service, forerunner to Mr. Clinton's scheme. These kids were shipped off to places like Boston, Newark, and Oakland to babysit, garden and recycle away urban blight. Fifty lucky souls even toiled away in Red Lake, Minnesota, counting trees and White Tail deer. (They also cleared a one-third mile “interpretive trail” complete with bilingual signs—in English and Ojibwe—explaining the wonders of squirrel behavior.) For this they were paid \$4.25 an hour, plus a \$1,000 tuition voucher for college.

To the White House's delight, these folks treated this as the deal of the century. The Office of National Service was besieged with more than 7,000 applications for the summer program and expects to have no trouble rounding up 20,000 more when it expands the program next year. Ultimately, Mr. Clinton's new law plans a “domestic Peace Corps” of 100,000 cheerful national servants to beaver away at the nation's “unmet needs” at a grossly underestimated startup cost of around \$1.5 billion. Maybe somebody should ask whether this is the best use of the nation's money, let alone its youth.

SERVICE CONSCRIPTS

Something crucial has clearly escaped the national-service happy in this country. One need only look across the Atlantic to Mr. Clinton's favorite model country, Germany, to see how national service is done “on the cheap.” In Germany, 135,000 national servants work in hospitals, nursing homes, kindergartens, and other public and nonprofit agencies for what is actually a bargain-basement cost to taxpayers of just over \$3 billion a year. How do they do it? They draft them, in effect.

The U.S., Canada, Japan, and Britain are the only major industrial countries without a draft. Of the countries that do draft, more than three-fourths have a national-service alternative for conscientious objectors. But while petitioners for national service in most countries are subject to an intensive appeal process to prove their moral or religious objections to military service, this has not been the case in Germany since 1985. With its more lenient policy, Germany has been able to entice 40 percent

of draftable males into its national service corps as an alternative to the military.

Germans have become hugely dependent upon their army of conscripted national servants. *Zivildienstleistende*, or “Zivis,” as they are called, are age 18 to 28. They serve for 15 months—three months longer than soldiers—and the government pays them a conscript’s wage that starts at about \$8.50 a day. Room and board, if a Zivi needs it, are paid by the employing institution. These national service conscripts can be found working in the homes of Germany’s elderly and handicapped, or in hospital examination rooms measuring patients’ temperatures and blood pressures. They assist the Red Cross during disasters and kindergarten teachers in their classrooms, and even perform such vital tasks as geese-counting in the marshes near the Baltic coast.

According to a recent study by the German army’s Social Science Institute, every Zivi hired in place of a civilian saves an average of \$21,000 annually. And nowhere is this cheap labor pool more intensively used than in Germany’s health-care sector: More than half the Zivis are employed in health-care-related jobs, and a full 30 percent work in German hospitals—saving \$1 billion annually.

In a recent article titled “The Welfare State Cannot Do Without Zivis,” the popular weekly news magazine *Der Spiegel* described Germany—the highest labor-cost country in the world—as a “low-wage country” when it comes to social services. And as enormous reunification costs are compounded by a deepening recession, the German government is looking for all the cheap help it can get.

The Germans have also found that when the state obligates citizens to serve, it is compelled to find “meaningful” work for them to do. So far they have risen admirably to this creative challenge. Just last year, the Ministry of Women and Youth, which administers the national service program, began an active campaign to encourage German “hospitals, nursing homes, facilities for the handicapped and also...organizations that are particularly active in environmental protection to investigate if perhaps the number of positions [for Zivis] could be increased.”

Currently 94 percent of all petitioners for national service are accepted. This high rate of admission partly reflects the need to absorb conscripts from the new eastern states; but it is clear that many private

German “help” organizations recognize the boon of national service as well. For example, Cologne-based Malteser-Hilfedienst, an ecumenical humanitarian aid organization, employs 3,571 Zivis while its regular staff numbers only 1,951. A quarter of the German Red Cross is staffed by national servants.

Germany is not alone in its use of conscripted labor in the service of politically popular but budget-busting government programs. The Danes, for example, employ their national servants as civilian public-works laborers and foresters. French and Portuguese Zivis are dispatched to humanitarian organizations or to former colonies to do development work. And in 1992, anticipating the effects of a rapidly aging population on their health system, doctors in Switzerland proposed supplementing the newly introduced Swiss national service with a corps devoted to providing low-cost ambulatory care for the elderly. Poles already can choose between joining such a 24-month “health-care service” alternative to armed service or an environmental conservation corps.

In short, European societies years ago decided that they were willing to cash in some of their youth’s freedom of choice for the luxury of welfare largesse for all.

Americans, on the other hand, have time and again refused to make such trade-offs. And yet one way Mr. Clinton’s myriad social programs might yield more measurable results would be if citizens were prepared not only to fund them with higher taxes but also to accept something as extreme—and unpopular—as a draft.

Finding a Place for Community in the First Amendment

ROGER L. CONNER

Does the First Amendment permit communities to ban loud and unseemly noises in downtown streets? Or must free speech be protected within a public forum, regardless of the volume and no matter the harm done to the community? This legal question frames a bitter controversy between street preachers and downtown merchants in a small South Carolina town, and unless cooler heads prevail, the courts will be forced to choose between the right of merchants to be free of unwanted noise and the right of preachers to deliver the Word of God in their chosen manner. But in the heat of the “either/or” debate, both sides have neglected the needs of a healthy and unpolarized community: tolerance for others, and public spaces to foster such tolerance.

The setting is Beaufort, South Carolina, a quiet coastal town of 13,000. Beaufort’s history dates back to Spanish exploration in 1520 and attempted settlements by French Huguenots in 1562. The town was spared during Sherman’s March during the Civil War thanks to early occupation by Union troops, and its collection of antebellum homes and storefronts has been designated a national historic landmark. It has a history of tolerance and cooperation. The local synagogue dates back to 1908. The rabbi and Catholic priests are full partners in an ecumenical ministry to the local hospital and nearby Paris Island military base. Beaufort’s tranquil setting has been used as a venue for such movies as *The Big Chill*, *The Prince of Tides*, and *The Great Santini*.

The downtown business districts of most small American towns are dilapidated and virtually abandoned, victims of strip shopping centers and huge discount stores built on the edges of town. Beaufort is an exception, thanks in large part to a recent, multi-million dollar reinvest-

ment campaign spearheaded by local residents. Thirty-seven buildings and storefronts have been renovated and 45 new shops opened in the past five years alone. Downtown is, once again, a meeting ground for the residents of Beaufort, especially on Saturday when the farmer's market operates.

Beaufort is connected to another bit of southern history: itinerant street preachers. The Reverend Karl Baker, a local businessman and preacher, runs a school for street preachers. The Reverend Mr. Baker specializes in the craft of shouting. He teaches his students to pick an object about 75 feet away and aim their voices right at it. To project, speak from the diaphragm, not the throat; slow the words down, enunciate. "You must be loud to reach people," he says.

As business in downtown Beaufort began to pick up, the Reverend Mr. Baker and his students began to turn up every Saturday in considerable numbers to thunder messages like "Unless you're born in God's spirit and washed in Christ's blood, you'll bust hell wide open." Their most intense rhetoric was saved for women in slacks and shorts ("whores and fornicators"), "wicked merchants" (who "would rather you go to hell than give your life to Jesus"), Catholic priests and rabbis ("false prophets"), and Christmas shoppers.

THE COMMUNITY'S INTERESTS

The central business district, located on Bay Street, is a three-block-long, crowded lane of two-story buildings which create something of a natural amphitheatre. A practiced orator with a loud voice can effectively occupy the entire downtown commercial district. When the preachers are in full voice, asserts Billy Rhett, owner of a local art gallery, it is not possible to carry on a conversation, and customers flee out the back door rather than put up with the constant din. Rhett and other store owners feel their very economic survival is at stake, since "local customers won't come downtown on Saturdays now."

Under a barrage of complaints from merchants, residents, and even the local clergy, city officials worked out a compromise: no more than one hour of preaching each Saturday, rotating weekly between six locations. Tensions continued to build, however. Some residents gathered to taunt and yell back. The ministers were denied access to a favored grassy strip

by its owner, one of the objecting merchants. The Reverend Mr. Baker was sprayed with a garden hose.

On August 31, 1991, Mr. Baker descended on Beaufort with more than twenty preachers gathered from all over the state, who held forth for more than three hours in a single location (near the entrances of two stores whose owners were denounced by name in the sermons). Emotions ran so high that the state ACLU director called it a “potentially violent situation” and death threats were reported.

By happenstance, a short news article from Maryland came to the attention of the Beaufort city attorney at about this time. It described a Maryland Supreme Court decision upholding a state law aimed at anti-abortion street preachers in Hagerstown, Maryland. Six weeks later, the City Council adopted an identical ordinance, which made it illegal to “willfully” make “unseemly and loud” noises in public places.

At this stage, the ministers went to state ACLU director Steven Bates, who advised them that the controversy should be settled in court rather than through further negotiation with the powers-that-be in Beaufort. The court “is a more appropriate avenue for addressing the disputes of this nature than for the city to apply local law,” he wrote. However, he continued, because the ordinance appeared to be neutral on its face, it would be necessary for the preachers to provoke actual arrests, in order to create the basis for a court challenge. The Reverend Mr. Baker announced the contents of the letter to the local newspaper, explaining that Bates was “telling us to go ahead and test it, and that’s what we’re going to do.”

Hoping to defuse the controversy, the police chief paid a call on The Reverend Mr. Baker, offering to issue two warnings so that any potential violator could lower his voice and avoid arrest. Mr. Baker responded that he “must challenge the ordinance. . . be sure the handcuffs are put on correctly.”

What followed was a game of tit for tat. Preachers who violated the ordinance were initially fined. When they persisted, the local judge threatened jail. Then the preachers refused to pay the nominal fines, effectively forcing the judge’s hand. Once consigned to jail, Mr. Baker refused to work as required by local law and was briefly transferred to the state prison as punishment.

Orin Briggs, the lawyer for the defendants, offered a compromise to be mediated by the judge to halt the escalation. The preachers would voluntarily limit the duration of their preaching if the city would stop all arrests. However, on discovering that mediation could lead to a “permanent solution,” which would prevent “a ruling on whether [the noise ordinance] is constitutional,” the ministers bailed out and called Patrick Flynn, Clinical Law Professor at the University of South Carolina Law School and board member of the state ACLU. Flynn agreed to take the case, to the U.S. Supreme Court if necessary. The Beaufort ministers then fired Briggs, went back to jail, and a legal fight to the finish was on.

The South Carolina Supreme Court recently affirmed the criminal convictions, and an appeal to the U.S. Supreme Court is planned. The ministers have also asked a federal district court judge to intervene with a civil suit asking for damages against the merchants for “conspiracy” to violate the preachers’ civil rights, and an injunction against the city.

THE RIGHT TO PREACH LOUDLY

The preachers see this as a simple case. “It is our First Amendment right” to preach loudly, said one preacher, regardless of the effects on the merchants, other residents, or the economic viability of the downtown area. They see street preaching as an anti-establishment tradition with deep American roots—Roger Williams, the founder of Rhode Island, was imprisoned for his passionate street sermons which mixed religion and politics. One defendant, Thomas Anderson, conceded that the noise he was making was so loud that nearby businesses could have considered it “too much to take.” Another testified that it would be within his rights to “stand on a public sidewalk immediately adjacent to a church, every Sunday [morning] and shout at top volume,” even if he created “disruption to the church.”

In its briefs, the city countered with the right of store owners to be spared unreasonably loud speech on the street in front of their shops, based on Supreme Court rulings that hold that the First Amendment collides with the right of privacy when the speech is inescapable. The “captive audience” doctrine, as it is known, has been cited to uphold, for example, ordinances which prohibit demonstrations in front of homes in residential neighborhoods.

The ministers answered that a commercial area is a “public forum.” “The First Amendment requires that society tolerate some inconvenience in public forums to protect the values of free expression.” And “the interests of downtown merchants in their businesses which are by choice located in a public forum and invite the public to come cannot be equated with the privacy rights of individuals in their homes in residential neighborhoods.”

Even if the loud speech is held to invade the privacy interests of the merchants, the ministers’ brief continued, an “extreme invasion” of the privacy interests is required to tip the balance against speech. “It must ‘rise far above public inconvenience, annoyance or unrest’” (citing *Edwards vs. South Carolina*, 372 U.S. 229 [1963]) to the level that “substantial privacy interests are being invaded in an essentially intolerable manner.” Mere assertions that the loud preaching “affected their (merchants’) concentration” or “affected their ability to carry on ‘normal’ conversation” is not “a sufficient invasion of the merchants’ privacy interests to justify abridging plaintiffs’ free speech rights.”

The vagueness of the prohibition on “willfully” making “unseemly and loud” noises invites selective enforcement, the ministers added. The annual downtown Christmas parade makes more noise than all of them combined, yet no one called the police. (Would it make a difference if the city had passed the ordinance in response to noisy civil rights protesters rather than street preachers?)

A PLACE FOR RESPONSIBILITY?

This controversy illustrates some of the problems associated with the contemporary rhetoric of rights in the United States. Newspaper and TV reporters have produced dozens of articles and shows since the controversy erupted. Everyone saw the clash of the preachers’ First Amendment rights versus the privacy rights of the merchants, but was blind to the failures of responsibility on both sides.

How common it has become in America for people to exercise their rights to the absolute limit, without regard for the effect on others. Yet, how can we hope to function in a multi-racial, multi-ethnic America without a more generous dose of mutual respect and self-restraint? And how can we change the prevailing attitudes until, when faced with self-

centered behavior, we respond with the language of responsibility?

The Beaufort ministers earnestly believe that they have been directed by God to disturb people. Yet, a bit of civility is not inconsistent with their calling. In a conversation after a CNN interview, one of the ministers explained to me how he had avoided conflicts in communities outside Beaufort: not preaching in a single location for more than 15 or 20 minutes, never blocking an entrance, asking permission to use private property, and shifting to a different storefront each time in business districts which he visited frequently.

On three separate occasions, the ministers found common ground with the merchants, which permitted high-volume preaching at limited times and places, only to renounce the agreement in favor of vindicating their rights in court. Rather than strike a compromise that would allow for restricted preaching, the ministers pushed for an all-or-nothing decision.

Did the city live up to its responsibilities? Responsive communities are characterized by diversity and tolerance, being especially careful to avoid symbolic acts which have the effect of telling minority factions “you are not a part.” The preachers believe, rightly or wrongly, that downtown merchants encouraged hecklers and were directly responsible for the infamous garden hose incident. While the merchants contend that it is in the best interests of the city to provide a downtown area attractive to shoppers, the preachers point out it is also in the city’s best interests to ensure a cooperative and inclusive atmosphere. The ordinance adopted by the city council—a total ban—reinforced bitter feelings among the preachers. “They have a country club mentality and they are redoing the town and its image,” Mr. Baker said bitterly. “They despise some of us rednecked country preachers and don’t want to include us in that.”

The strategy of forcing disputes into court by provocative tactics and extreme rights assertions is not without cost. Setting aside for a moment the waste of money and civic energy, Beaufort’s proud tradition of tolerance has been strained beyond the breaking point.

Today, in place of tolerance, there is fear; in place of generosity there is anger. A boycott of all the pay phones—owned by Mr. Baker—is in

effect. Catholics are wondering how many of their neighbors believe in the Papist conspiracies being screamed about from the streets. Jews are resentful that one of the two shops which has been targeted every week for nine months is Lipsitz's, the only Jewish family business in the downtown area. The street preachers feel that the police and city council are doing the bidding of wealthy, society types who view the "little people" with disdain.

As framed before the courts, the legal arguments will turn on a choice between the privacy rights of merchants and the speech rights of the preachers. While the lawyers are enthusiastically adding to the edifice of First Amendment law, something different is going on in Beaufort. A rare community asset—a downtown which invites frequent encounters from which feelings of civic friendship and human connection can grow—has become a powerful symbol of division.

Q. What did Congress do to stop violence in the streets?

A. It outlawed lawn darts.

Political humorist Will Durst

Stories from the Trenches: Community Service

ROBERT COLES

Today's students are likely to express their lofty political and social impulses and practical desires to change the world through community service, even if in limited or modest ways. I have spent many years—since 1978—working with college students engaged in community service; they tutor the young, keep company with the elderly, visit the sick, run summer camps, design and implement educational programs in prisons, help the medically needy and indigent get hospital care, and argue in the courts on behalf of tenants or workers. Often those students experience the same conflicts or misgivings that deeply troubled the activists of the civil rights era and that now trouble older people working full-time as community organizers.

“I want to help the kids I know,” a college junior told me, but he had his eyes on what he called “the larger picture.” When I asked him to fill me in on the details of that picture, he was both voluble and impassioned: “This entire ghetto is a breeding ground of crime, and someday it has to go! Don't ask me how we'll do it, but until the nation addresses the problems here in this ghetto neighborhood, we'll keep having the troubles, the riots, the problems with drugs and violence. I tutor the kids, and I try to tell them there's a better life for them to lead if they'll only study and do well in school. But they only half-believe me when they're young, and when they become teenagers, they're cynical—boy, are they cynical. I guess I'd be if I was living where they are. It's hard for someone like me to argue against that cynicism, so I try to undermine it. I try to be as thoughtful and helpful as I can. I try to keep teaching, and I try to show these kids that there's another world out there, and it's not a totally bad

one or a totally callous one. I take them to Cambridge, and I show them that world, and I hope it rubs off on them.

His words spoke of an earnest dedication to children, even those whose prospects seemed poor. This dedication was enabled not by a fatuous refusal to look at a grim social reality, or by a romanticism that proposed salvation through tutoring and friendship. That young man had taken a close, hard look at the obstacles and had told himself (as his work showed) that one person could give direction to another in a classroom, on a playground.

RECOGNIZING THE OBSTACLES

On the other hand, doubts and misgivings asserted themselves again and again. “Sometimes, I think I’m just kidding myself. I think I should forget tutoring and mentoring, and field-trips and summer camps, and just go to work as a political organizer, something like that—try to change the whole system. If I was a lawyer—I say that a lot out loud to myself: ‘If you were a lawyer...’ But I never really finish the sentence, because I’ve seen the law students come here and take on cases, and what they do seems exciting for a while: fighting against lead poisoning, or dangerous stairways, or rats all over the place, or not enough heat in the winter. But, you know, it’s like a drop in the bucket: this is a neighborhood of thousands of people, and they’re locked in—they just don’t seem to be able to break out, and the world I belong to, the white world of affluence and power, that world doesn’t really want these folks. Maybe it has no use for them, no jobs for them, though there’s prejudice, too, plenty of it.

“My dad says, If a black boy really works hard he can make it, he can go to a good school. He’s a trustee of one [a fine New England private school] and he says the school goes begging for black kids, but they’re hard to come by. I don’t think Dad realizes what those kids have been through by the time they’re 13 or 14 and old enough to go to high school. A lot of them, they’ve just surrendered. I’ve taught them; they’re smart, plenty of them are, but they’re not ‘into’ school: it’s not their idea of something that will lead to anything. That’s what they tell me, and then I talk myself blue in the face, but in the middle I can see they’re tuning out on me. That’s when I tune out on myself and think of politics or the law—but I’ll never go into either.”

Nevertheless, he persisted. Twice a week he went to a ghetto school, in spite of an extremely busy academic schedule, to teach math to some fifth-graders; sometimes he would bring several of them back to his college dorm for a meal. The commitment was exhilarating as well as exhausting; he took pride in a child's thank you, a child's declaration that she was doing better in school, a child's wide-eyed awe at the sight of a well-known university, followed by questions about how one gets there, and where one goes as a graduate.

A FIRST TASTE OF COMMUNITY SERVICE

Soon we will take a sustained look at the emotional ups and downs of those rendering service, but here I want to describe the efforts of one young woman in college who hadn't considered what community service might be until her boyfriend, a seemingly single-minded premed student, mentioned that he was going to be a Big Brother and do some tutoring.

She said, "We were having coffee at the beginning of school, and he told me he was going to be doing community service. I thought it had something to do with politics, maybe, or some charity, like the Community Fund. I remember looking at him in a different way. I'd never seen that side of him.

"Anyway, the more he told me about community service, the more I wanted to do it. So, I volunteered—and here I am. I go to the school one afternoon a week. I sit with kids who are having trouble with their schoolwork. I teach reading and spelling. I try to connect with them—that's the first thing you have to do. If you don't, then you might as well go back home and call it quits. I tell them what's happened to me during the week, and I bring goodies, and I've promised the kids that one of these days I'll teach them how to make these oatmeal raisin cookies I make. I bring in some books I used to read when I was their age—well, younger. I can remember Mom or Dad reading the stories to me. It's so sad, though—these kids have never owned a book, never seen a book in their house, never had anyone read to them. They ask me why my parents read to me. I tell them [it was] because they like to—and they believed reading is important, and it will make a big difference in your life. They aren't convinced, some of them. Others *seem* convinced, but I'm not convinced that they're really convinced. A few—they break my heart—they're

really eager, and they're aching, that's the word, *aching* to get out of the ghetto and live someplace else. This girl said to me she wanted to find 'someplace that's safe, where you can wake up and think you're really going to bed that night in your house, and not in the hospital or in a funeral parlor!'

HOW TO SPELL 'COMMITMENT'

"I really work at the spelling. The kids will ask why—what's such a big deal about spelling the word 'commit' with two *m*'s and one *t*? Why not one *m* and two *t*'s? Why not two *m*'s and two *t*'s? Stop being so uptight, they say to me. I sure don't want to be someone who corrects someone else's spelling, a kid said. How did I answer him? I wasn't sure what to say! I tried the 'rules' strategy: we have to go by the rules, so everyone speaks the same way and reads the same words and spells them the same way.

"The kids really pushed me. They said, So long as you can understand what someone writes—understand the words, then that's all that counts! I gave them a speech about order and predictability, but I remembered my uncle saying that George Bernard Shaw wanted to change the spelling of a lot of words, because spelling is so arbitrary and irrational, and I remembered that Flannery O'Connor hated spelling and deliberately didn't spell a lot of words right. I wouldn't want *her* there, when I was teaching the word 'commit' or 'commitment'! She'd probably have spoken up, said, 'Hey, I don't have to take this, the way you're spelling that word; I can spell it any which way I want!'"

Yet the young teacher knew that her students needed to learn how to read and write and count and spell; they needed the same educational competence she herself had long ago acquired. She kept working against her students' indifference and surly distrust—and her own sophisticated qualms, her temptation to join those boys and girls, to stoop rebelliously to their cynicism. She kept reminding them and herself that jobs would eventually be at stake, and a distinctly improved standard of living.

"That's what community service is for me, if you want to know: the nitty-gritty of it is getting right in there with the kids, and not only teaching them how to spell 'commit,' and what it means, and 'commitment,' and how to use the word, but getting down in the pit with the kids,

and trying to show them you're not some snotty white creep who's loaded with money and wants to make them feel dumb, and then get them to improve, so *she* can feel even smarter than she did before, and be even snottier!

"I'm being vague, I know. What I mean is, you've got to stand up for what you believe in. You've got to tell those kids, Look, this is the English language, and this is how you spell 'commit,' and if you want to be part of our society, our country, then when you see a red light, you stop your car, and when you see someone who is smiling and saying hello, you say hello back, and when you pick up a book, you read it in such a way that you stop if there's a period, and when you write, you begin a sentence with a capital letter, and you spell the word 'sentence' and not 'sentance,' the way my kids there told me they'd like to spell it, and 'commit,' not 'committ.'

"I think they get the message. They may not agree with me, but they realize that I'm putting myself on the line, and trying to reach them and give them some connection to the world of literacy. I really scored when I told the kids that if they knew how to spell 'commit' right, they'd do well in a job if they had to type for someone—and if the person writing misspelled the word, they could say, Hey, that's not spelled right! They got a big kick out of that—the boss-man falling flat on his face. They're used to hearing their parents talk about the know-it-all whites, and how you can't cross them, no matter what. I think they really took to the idea of learning how to spell so you can trip up some honky!"

She was doing her best to enjoy her community service work while at the same time taking it very seriously. That work eventually led to the end of her friendship with her premed classmate. Once, talking about the teaching they did in ghetto schools, he mentioned that this would help him get into medical school. She was appalled—and he was enraged by her dismay and disapproval, her naivete. Their falling-out affected her work.

"I had more time for the kids. I stopped and asked myself: what do you want to do—jump fast into another relationship or stop for a while and try to figure out what kind of a relationship you want, and meanwhile spend a lot of time with these kids? That way you're becoming *yourself*, not just defining yourself as a college student, or a field hockey

player, or someone's girlfriend.

VISITING STUDENTS' HOMES

"It was then [after the break-up] that I figured out a way to teach reading better, and spelling. I took a course, and I put more energy and imagination into the class, and there was a big change in the kids: they could see that I was there with them, heart and soul, and they quieted down. When they started making noise, I spoke right up; my voice got tense, and I leveled with them and told them I wasn't there so we could waste time—I had too much respect for them. I really don't think it was *what* I said; I think it was my attitude—my *commitment* (with one *t!*). I told them I thought of them a lot when I read something or saw something on television, or heard something over there, back in college, and so they began to pay more and more attention. And then I started making home visits, and did *that* make a big, big difference!"

At first, it made much more difference to her than to the children she was teaching. Her visits to homes were a measure of a new resolution, a step into territory she had only imagined or heard described by the children themselves or by sociologists. Now she was seeing their world firsthand, and now that world lived in her, even when she left it.

"I'd never seen where these kids live, how they live. I'd driven by, but it's another thing to go and walk up those stairs and be in the apartments. I don't want to be overly dramatic; it's not that I had any trouble, or that what I saw was so surprising or shocking. It's just that I finally began to see, right before my eyes, what separated those kids from me. At first, when I started teaching, I thought that if I could just go back a little to my own childhood and draw on it, then I'd make the connections I needed to make, and things would go well. But once I'd started going to the homes, it sunk in that these kids had to cross lots of bridges to get to me and my childhood, never mind me now. You can read a lot in books about 'the culturally deprived child,' but when you're sitting on a couch in a ghetto apartment building, looking and listening and wondering and worrying, then it's another story."

By her senior year she was a leader in her college community service program. She helped other volunteers settle in, helped them as they stumbled and sometimes thought of quitting. She was not interested in

the political struggles of the ghetto where she worked, nor did she ever become an “activist,” as some of her friends did.

“I’m a teacher here, and it’s enough for me to do the best job I can. I have a friend who now wants to go to law school and fight with the school people and fight with the welfare department and fight with the store people and the real estate people. I guess I’m not a fighter. I wish I were sometimes. I’d like to go into court and sue somebody—anybody—for the sake of those kids I teach. But there’s room for everybody, I guess. That’s what one of the mothers told me when I said I wish I could go and change the world. She said, ‘That’s alright, you *are* changing the world!’ Hearing her say that was like getting all A’s on a report card.”

I began to realize that she was telling me of more than a shift in activity. To be sure, she had learned how to become more effective, more knowledgeable about the children she intended to inform and even inspire. Yet she herself was being informed and inspired. It was an awakening of sorts, a change of moral direction.

ELDERLY VOLUNTEERS

The phrase “community service” these days commonly refers to the work done by young volunteers: high school and college students working in schools, hospitals, soup kitchens, nursing homes, or prisons. They help at camps and on playgrounds, visit homes and neighborhoods with books and instruction manuals, with basketballs and footballs and baseballs. Older people render community service in those same places and in other ways, too. When I talked with men and women at a General Motors factory in Framingham, Massachusetts, I got to know blue-collar and white-collar workers who proudly mentioned their community service. They described work with Boy Scouts, Girl Scouts, Little Leaguers; they talked about their visits to hospitals and nursing homes; they mentioned cleanup drives, week-end efforts to make streets, parks, and playgrounds clean and attractive.

A thirty-year-old assembly-line worker spoke with great feeling of his weekly visit to a nursing home two miles from his home. “I got into it by a fluke; a buddy of mine had to put his dad away in one of them, and he got all upset. He didn’t have much money, and the place wasn’t good. The only good thing about it, some people came and read to the old folks, and brought them cookies and cake, and just sat with them and watched

TV with them and talked with them. They'd play checkers or cards, nothing fancy, and show them pictures of their family—shoot the breeze. Then, my buddy's dad just suddenly died one day, and that was it. But for my friend it was hard to get that nursing home out of his mind. He talked with the priest; he told him he'd wake up in the middle of the night, and he'd be thinking of his dad—that's normal, that's grieving for you—but he'd be thinking of that nursing home, all those folks. It was sad. So the priest said, Maybe the thing to do is go and visit one of those homes, and see if you can be of help, and that way you'll feel you're doing something good, something worthwhile—and it could be a kind of memorial to the old man. And my friend, he really liked that idea.

“So, that was how it got started. He talked to me, and I said yes, and he and I went to this nursing home, and we told them we aren't anyone special, but we like to have fun, and we could try to give the folks in there a good time. We could bring them some cookies, and we can sing—I can sing a lot of songs, and my friend plays the piano (no big deal, but the tune gets across!) and we could always read from the papers, if someone was blind or had the shakes and couldn't hold the paper steady. They were glad we came—they said visitors really help the people, and the staff, too. So we started, and we weren't sure at first what we were going to do, and we were nervous, to start, but we just decided we'd be ourselves and try to be as friendly as we knew how, and my wife made these cookies, and I just went and offered them around, and they all told us to come back, and we did, and now we're regulars and we love it—it's part of our lives. You give something, and believe me, you get something back.”

He was too modest to mention that he had urged others to work with the elderly, or with young people in trouble with the law, with drugs and drinking. In fact, he always pointed to the initiatives, activities, and good ideas of friends of his, working men who made it their business to give time and energy to others. When a local paper wanted to highlight his volunteer efforts, he insisted that he be mentioned only as part of a group. And he urged that their work *not* be called community service.

NOT SERVICE—VOLUNTEERISM

“It's more a person-to-person thing, and it's us trying to be friendly

to people who aren't having the best of times. I know, it does help everyone—the community—when you go and visit the old folks, but I don't think of it as service. To me, service means, like, the military, or you're doing something you've *got* to do, or you've been *told* to do it, or you've been *sentenced* to it, because you got in trouble with the law. To me, what we do is—well, it's us trying to offer something from our hearts, only we all got together, and we're organized about it.”

He could have been speaking for many of the college students and older people who have the impulse to engage themselves in a broken world and find a place for their moral energy.

A Long-Standing Tradition

Markate Daly has recently published a collection of essays from communitarian scholars entitled *Communitarianism: A New Public Ethics*. It's not exactly from last week, but good stuff nonetheless: The first selection is from John Locke, the second from John Stuart Mill, followed by some fine material from Aristotle and Jean Jacques Rousseau, and then onto Hegel and de Tocqueville.

Crime and Punishment: A New Look

JOHN IMMERWAHR

American political leaders are locked in an intense debate about criminal justice and the best strategies for dealing with crime. On the left, civil libertarians are concerned with issues such as police brutality, prison overcrowding, and the use of the death penalty. They question the effectiveness of punishment and deterrence as solutions to crime, which they view as a symptom of economic injustice and racism. On the opposite side, conservatives frequently call for stiffer (and more certain) sentencing, more frequent use of the death penalty, more police, more prisons, and a less expansive definition of the rights of those accused of crimes. Punishment, they believe, deters crime.

But where does the public fit into this debate? The right has often perceived that the public is basically sympathetic to its position, and some public opinion polls have supported this interpretation. For instance, public support for the death penalty has gone from 42 percent in 1966 to 76 percent in 1990. However, a study by the Public Agenda Foundation suggests that public attitudes about crime and criminal justice are more complex than these debates or data suggest.

In 1991, the Public Agenda Foundation, supported by a grant from the Edna McConnell Clark Foundation, conducted a study in Delaware among 432 respondents, to gauge the public's views. Similar studies have been conducted in Alabama and Pennsylvania. The research participants first completed a preliminary survey covering 23 crimes (from armed robbery to shoplifting), including brief descriptions of the crime and of the previous criminal record of the perpetrator. The

participants were asked whether the criminal should be sent to prison or placed on probation. The participants then watched a 22-minute video that reviewed the problem of prison overcrowding and discussed five generic alternative sentences—strict probation, restitution, community service, house arrest, and boot camp—along with arguments for and against using the alternatives. The participants then filled out a second questionnaire that described the same 23 crimes, but now gave the participants the choice of sending the criminal to prison, or one of the five alternatives.

Delawareans initially saw prison as the most appropriate response to all but the least serious crimes—majorities recommended prison for 17 of the 23 offenses. Fully two-thirds supported greater use of capital punishment (for the most serious crimes) *as a means of reducing overcrowding*. Probation was seen as appropriate only for first-time offenses of minor crimes (such as joyriding and petty theft).

After the participants had a chance to learn about alternative sentences—and to debate and discuss the issues—it became clear that they did not fully accept the proposition that the best way to deal with all offenders is to “lock them up and throw away the key.” In fact, the majority recommended alternative sentencing for 18 of the 23 crimes. (See table, next page.) Although there was little change in what people thought about violent offenders, such as someone who committed an armed robbery with shooting (when it was a second-time offense), there was a significant shift in the way that participants thought about alternatives for non-violent offenders. Additionally, the participants stressed societal and environmental factors—such as illegal drugs (94 percent), a breakdown of the family structure (71 percent), lack of education (67 percent), and poverty (63 percent)—rather than a lack of emphasis on basic law and order as major contributors to crime.

For many categories of crime, the participants felt that prison is an inappropriate punishment and that society would be much better served if offenders were enrolled in some intensely supervised program such as boot camp or community service. Only 18 percent said that prisons did a good job of reforming and rehabilitating offenders. It should be emphasized that support for alternative sentences was contingent on their being strictly supervised and carefully administered. Offenders deserve a second chance, participants seemed to be

Percentage Who Would Send the Offender to Prison

	Preliminary Survey	Final Survey
Armed Robbery and Shooting (second offense)	98	93
Armed Robbery (third offense)	98	71
Armed Robbery (juvenile, first offense)	79	38
Shoplifting (third offense)	71	19
Burglary (second offense)	70	22
Drug Selling (but seeking treatment, third offense)	64	33
Burglary (juvenile, first offense)	17	3

saying, but not necessarily a third, fourth, and fifth chance.

From the public's perspective, the proper treatment of criminals is a rigorous program of hard work—and this is perceived as a welcome contrast to existing responses to criminal behavior. Indeed, most people's assessment of what is wrong with prison is that it is viewed as enforced idleness. Work also is seen as having a rehabilitative function. Sixty-eight percent felt that alternative sentences improve the chances of an offender's being rehabilitated. The work should also be difficult and unpleasant enough to act as a deterrent. As one participant put it: "Community service should be hard work which makes them think twice about committing a crime the next time." The participants also seemed intrigued by the idea that criminals could literally "pay back their debt to society" by actually doing something that would provide restitution to the victim or service to the community. As one man said, "I think strict probation with restitution works to benefit both parties. It compensates the victim and punishes the criminal."

Finally, this poll illustrated that when given a choice, an informed public is able to make choices that transcend traditional conservative and liberal approaches, and to support alternatives that are fiscally responsible and may reduce crime in the long run.

LAW AND DISORDER

The government no longer lives up to its most elementary responsibility. By abandoning individuals, families, and whole neighborhoods to uncontrolled violence, it is not only jeopardizing our immediate welfare, but endangering the stability of the democratic polity in the future.



Drawing by Bob Mankoff; © 1992 The New Yorker Magazine, Inc.

GUNS IN THE CLASSROOM

In Los Angeles earlier this year, one high school student was killed and another injured when they were struck by bullets accidentally discharged from a handgun a third student had brought to school.

Detectives say that the student had been reaching into his book bag when the weapon went off. The student says he brought the .357 Magnum to school because he feared gangs. According to the principal of Fairfax High School, located just eight miles from downtown Los

Angeles, the school has been plagued by gangs for several years.

Immediately after the bullets went off, the student turned to his classmates and said: "I am sorry. I didn't mean to do it." He then sat at his desk and waited until the officers arrested him and confiscated his weapon.

Press Reports, *January 21, 1993*

ARMED GUARDS IN THE SCHOOLS?

As weapons in the schools pose a greater threat to security, schools have added video cameras to hallways, built tougher fences, and installed metal detectors. Now school districts nationwide—from rural Columbus, Mississippi to urban Los Angeles—are debating whether to respond to force with force—by arming security guards.

"There's no debate here," says Herbert Graham, director of policy and administrative services for the Los Angeles Unified School District, where school police seized about 100 guns in the first two months alone of the past school year. "Our officers are armed. It's a shame, but it's a necessary evil."

Meanwhile, although Peter Blauvelt, director of security for the Prince George's County Schools in Maryland, saw 27 handguns and 159 knives confiscated from students last year, he remains opposed to arming guards.

"There will be times when it's justified to use the weapons," he explains. "That jeopardizes a lot of innocent kids."

In the Houston Independent School District, 80 percent of the middle schools and high schools chose to arm their guards, says Les Burton, chief of the Houston school police. Last year, Houston school police arrested 174 students who were carrying weapons into school buildings.

The American School Board Journal, *January 1993*

The Points of Light Foundation created the “Changing the Paradigm” Project in 1991 to learn about barriers to effective involvement of volunteers in the public sector. Using interviews with over 400 staff and volunteers in 20 organizations, the Project released its first report last June, detailing factors conducive to the best involvement of volunteers in community service. Following is an excerpt from that document:

Characteristics of High Effectiveness

As the research progressed, it became increasingly clear that some of the organizations were doing a better job involving volunteers, based on the following criteria:

the work of their volunteers was more directly contributing to the mission and priorities of the organization;

there were fewer tensions between paid staff and volunteers;

there was a greater breadth and depth to their involvement;

there was less resistance to change and innovation in the roles played by volunteers.

What emerged from analysis of the interviews were 11 “characteristics of high effectiveness” that differentiated these organizations from the others examined. None of the organizations exhibited all of the characteristics in all of their work. But there was strong evidence to suggest that these characteristics are consistently present. Each of these characteristics is stated below with a brief descriptive explanation.

1. The mission and priorities of the organization are framed in terms of the problem or issue the organization is addressing, not its short-range institutional concerns.

When organizations “keep their eye on the prize”—that is, on the core problem or task for which they were created—they also involve volunteers in more meaningful, in-depth roles. Both leaders and workers talk about the importance of the work to be done, not the immediate impediments to accomplishing that work.

2. There is a positive vision—clearly articulated, widely-shared and openly discussed throughout the organization—of the role of volunteers.

Both paid staff and volunteers unselfconsciously discuss the role of volunteers in terms of fundamental organizational values and philosophy. Leaders may or may not speak of their “vision” per se but it is clear that there is a positive view of volunteers that is shared throughout the organization.

3. Volunteers are seen as valuable human resources who can directly contribute to achievement of the organization’s mission, not primarily as a means to obtaining financial or other material resources.

When organizations see their problems as primarily financial, they severely limit the roles volunteers are allowed to play, with the primary emphasis being on fundraising or other resource-generation activities. In organizations that focus first on the work to be done, volunteers not only contribute to that work but also to obtaining other needed resources.

4. Leaders at all levels—policy-making, executive, and middle-management—work in concert to encourage and facilitate high-impact volunteer involvement.

*Each leader contributes in the way that is appropriate to his or her role within the organization. Most important, **all** contribute, relieving the need for heroic leadership on the part of any individual.*

5. There is a clear focal point of leadership for volunteering, but the volunteer management function is well-integrated at all levels and in all parts of the organization.

The nature of that focal point varies from organization to organization. It may be, but is not always, the volunteer coordinator. When it is the volunteer coordinator, they tend to describe their role as being resource people or internal consultants helping other staff manage volunteers effectively. Virtually without exception, decision making about the nature and scope of volunteer involvement happens as “close to the action” as possible.

6. Paid staff are respected and are empowered to participate fully in planning, decision making, and management related to volunteer involvement.

The paid staff and their work are described by executives in positive, respectful terms. They are seen as competent professionals who are able to design and manage much of their own work and to incorporate volunteers appropriately and effectively. By comparison, in less effective organizations, paid staff often are described in negative terms with doubt expressed about their skills, commitment or ability to manage themselves.

7. There is a conscious, active effort to reduce the boundaries and

increase the teamwork between paid and volunteer staff.

Although the nature of the specific activities differs from organization to organization, there is evidence of conscious attempts to strengthen the working relationship between paid and volunteer staff, to increase collegiality and the sense of working together on a team toward a common goal. Barriers to interaction or policies and practices that foster inequity are recognized and attempts are made to lessen their impact.

8. Potential barriers to volunteer involvement—liability, confidentiality, location of the organization, hours of operation, etc.—are identified and are dealt with forthrightly.

These are uniformly seen as “false barriers” that are used to mask or rationalize deeper seated resistances to involving volunteers. “More effective” organizations resolve these issues instead of talking about them.

9. Success breeds success as stories of the contributions of volunteers—both historically and currently—are shared among both paid and volunteer staff.

There is a tremendous impact from “hearsay evidence” about volunteering. When paid staff tell positive stories about the work of volunteers, it influences other paid staff to reframe their attitudes about volunteers, which leads to new opportunities for volunteers to demonstrate their value. Often, those stories are about the historical role of volunteers in creating the organization or about the response of volunteers in times of organizational crisis.

10. There is an openness to the possibility for change, an eagerness to improve performance, and conscious, organized efforts to learn from and about volunteers’ experiences in the organization.

Through a variety of techniques, organizations tried to learn as much as possible about their volunteers, what motivates them, and the quality of their experience with the organization. Change is seen as an opportunity, not as a burden.

11. There is a recognition of the value of involving, as volunteers, people from all segments of the community, including those the organization seeks to serve.

The “more effective” organizations give more attention to understanding and responding to the growing diversity of American society. These organizations struggle more openly with how they can increase the involvement of people who typically do not volunteer to work with them.

BEYOND THE PALE?

Operation Rescue, an activist pro-life group uses posters like the one shown at left to pressure doctors to stop performing abortions. Pro-life activists have used information on the posters to call relatives of abortion doctors and to picket their homes. Pro-choice groups see these posters as a form of harassment, if not incitement to violence. Pro-life representatives counter that the posters are a legitimate form

of social expression against a person they consider a mass murderer, and that the protests are legally protected.

Operation Rescue argues that pro-choice organizations have distributed flyers like the one below, which identifies pro-life leaders and dates from 1990. The accompanying text details the past histories (including criminal records) of pro-life leaders, gives identifying marks, and provides information on their clinic-blocking strategies. Pro-choice representatives say they do not distribute posters with names and addresses of individuals because of attacks on abortion doctors.

When does a community's expression of moral disapproval become an unacceptable threat to individuals? Are such tactics head-hunting or an expression of community outrage?

A Firm Agenda for the Common Good

Ms. Steinfels made this statement during an interfaith conference in which Catholic, Protestant, and Jewish leaders, collaborating on a major project for the first time since the passage of civil rights legislation, issued the statement, “A Common Ground for the Common Good”:

Let me begin by suggesting that working for the common good does not always require a common ground—that is, a common starting point or a common set of goals. Instead, the common good may be agreed upon, with many different groups suspending at least temporarily some of their own deeply held views or objectives in favor of working together to achieve some larger agreed-upon purpose. I do not think we need to look for the lowest common denominator to which our religious communities might be ready to agree—a tendency in all consensus documents—and one not entirely avoided by “A Common Ground for the Common Good.”

In that light, the most obvious question to put to ourselves is this: Is the common-good talk in this document just a new wrapping on the existing liberal agenda? If not, how can we tell? If so, how should it be amended?

Now there are many people who think there is nothing wrong with the existing liberal agenda, except that it has been set aside over the last twelve years. But there are many others—even some who call themselves liberals—who think the liberal agenda needs a thorough renovation. The last presidential campaign, the current struggle within the White House, and between the White House and Congress are exactly about the content of that agenda.

Any effort to define and to propose a framework for the common good must send signals with words and ideas that this truly is a common-good agenda and not a cover—within a religious framework—for a special-interest one.

Our document, “A Common Ground for the Common Good,” does send such signals.

It recognizes that there are social forces—excessive individualism, materialism, and consumerism—which blind us to the needs “of those who most need our active concern.” My editorial self, however, would like richer description and concrete examples.

It acknowledges that there are “cultural forces such as irresponsible sexual behavior, crime and violence...that corrode family and community life and are a threat to our moral integrity.” Again more details would be useful.

These touch on matters that liberals often avoid, on the grounds that raising such questions ends up in blaming the victim while ignoring the economic conditions that encourage irresponsible sexual behavior, crime, violence, drug use, etc. And liberals are not wrong about this danger. But we are wrong to think frank discussion of these can be avoided any longer, as Hillary Rodham Clinton made clear in her now-infamous speech in Austin, Texas.

“A Common Ground for the Common Good” also speaks of public service and personal responsibility, good foundations for a broader agenda. Yet, the rhetorical weight of its appeal falls easily into “rights” language: “We believe men and women of goodwill throughout the country share this vision of an holistic approach to social welfare as a matter of human rights as well as human needs.”

While seeing that “a view of human rights that tends to focus exclusively on individual, civil, and political liberties,” is too limited, the appeal goes on to speak of “claims to economic and social rights;” and to argue that “without such a comprehensive ideal of human rights the common good is obstructed, forestalling public policies urgently needed for the promotion of the general welfare.”

Rights-language is unexceptional in liberal political discourse, and even in the language of many of our religious communities. In this country, in this time when religious communities talk about the worth of each human person, about the protection of human dignity, about the sacredness of human life, and about respect and fair treatment for each individual, of necessity, we often speak in the language of rights. It is the

language of our Constitution, of our politics, and of our culture. Even the Catholic church, my own, has come to value and appreciate this language of rights, within nations and between nations. But we all recognize that such language represents a partial view of the human person and a limited understanding of the human project.

There are contrasting words and stances: they include responsibility, solidarity, obligation, duty, accountability. Rights-language implies claims by an individual or an entity; responsibility-language implies obligation by an individual or entity.

“A Common Ground for the Common Good” believes a common appeal to “the biblical foundation of creation, covenant, and community...offers a provisional public theology of the common good whose moral core is social justice, human dignity, and human rights.” And it offers the following for our reflection:

“Millions of our children enter life with deficient prenatal care and continue their precarious development with inadequate health care, nutrition, education, and family support.” What’s missing in that sentence? Why doesn’t it say that millions of our children enter life without two parents? The fact is that the single-most effective answer to childhood poverty is a live-in father with a job. Make that a union job.

It goes on to say, “Family life itself has been ravaged by economic, moral, and social pressures, lack of affordable services for children and the elderly and a profound sense of social insecurity.” Let’s specify some of those pressures: Certainly, economic ones; unemployment, irresponsible management of capital, shoddy and shameful labor practices. Then there are the social pressures as well: no-fault divorce; a popular culture on TV, tapes, and video that regales us with mindless violence, and extols violent and impersonal sex; a gun culture that says my property, your life. Finally, moral pressures: life is cheap—children and teenagers are shot down in the street; child welfare agencies hide their incompetence behind a wall of confidentiality; clinics and hospitals perform 1.6 million abortions a year; New York City streets and the streets of every big city in this country are filled with beggars.

“A Common Ground for the Common Good” proposes no specific policies nor derives its agenda from any partisan political position. But for the sake of discussion, we might ask what sacrifices it would ask of

liberal special interests? What would liberals be willing to do for the common good? For example, the public-education lobby? Pro-choicers? First Amendment defenders of Ice-T—or for that matter adult evening television...?

Or does the sacrifice that is being called for just get down to more funds from Mary Sue Taxpayer? To be redistributed in ways that the Marys and the Joes, the Sams and the Sylvias, the Charmaines and the Tyrones of this country doubt will solve anyone's problems, especially the people on behalf of whom these sacrifices are being asked?

Finally, "A Common Ground for the Common Good" says that "government alone cannot address so large a question...individuals and institutions need to view their rights within the context of their responsibilities..." *Yes, yes, and yes. But* the first sentence of the paragraph that offers those reflections begins: "Government must be the final guarantor of the general welfare, the advocate of the common good."

True, at least in one sense. But in another, isn't it too limited a view? Shouldn't our faith-communities, rather than elevating the role of the state, impress upon us the place of conscience, above all our own, as guarantor, advocate, and practitioner of the common good? In reflecting about this question of conscience, I could not help but think of Vaclav Havel and his essay, "Politics and Conscience." Of course, he wrote in very different circumstances—in Prague in February 1984—but he spoke to our condition as well as his own:

We must trust the voice of our conscience more than that of all abstract speculations and not invent other responsibilities than the one to which the voice calls us. We must not be ashamed that we are capable of love, friendship, solidarity, sympathy, and tolerance, but just the opposite: we must set these fundamental dimensions of our humanity free from their "private" exile and accept them as the only genuine starting point of meaningful human community.... A reaffirmed human responsibility is the most natural barrier to all irresponsibility.

Margaret O'Brien Steinfels
Editor, Commonweal

To Reclaim Our Streets

Late yesterday afternoon, a visibly disturbed man pulled a knife on my wife. He trapped her behind a desk in the real estate office at her model home. What saved her was that a couple in the market for a new house just happened by. This incident was not the first close call my wife has suffered as a real estate agent specializing in new homes. It was, however, the closest.

As of this writing, my wife has purchased a handgun.

The firearms instructor said, as long as talking with an intruder goes on, the gun stays in its holster. "Your training will be to shoot to kill when the gun comes out," he said. "It will become one motion, nothing more than reflex."

For years, I have used every argument in the book to keep firearms out of our lives. My better half is used to every tired rendition of the live-by-the-gun-die-by-the-gun argument. She was patient with me right up until we parted ways early yesterday morning. Now she is at the courthouse applying for a license to carry a concealed weapon.

Once my wife is comfortable firing the gun after lots of practice on the range, procedure calls for me to get comfortable on the range. Then we are to take each of our children and show them the destructive power, how the bullets explode inside their target instead of going through. The older children will learn to shoot. All will know that the gun is not to show someone, not to tease someone. Killing is its only purpose.

I am still sorting out my feelings, but one thing for sure, I am glad my wife will be armed on the job for the time being.

Seeing this day coming for a while, I have been mulling over the domestic-disarmament clauses of The Communitarian Platform. I think "personal disarmament" would be a better choice of terms because the words now seem to outlaw organized bearing of arms within our borders. For some reason, Platform semantics or another, community-militias seldom come up for discussion. And yet community action in self-defense can be essential and is happening more and more.

Law enforcement leaves a yawning gap between local police and the National Guard. To call out the Guard, lawlessness has to reach the point where local police appear *en masse* and suffer conspicuous defeat. Otherwise, people are without extraordinary defenses. No one needs to

wonder why kooks slip through cracks and gangs spread terror with impunity.

Community militias are also a matter of equity. A person should not have to come clear across the state to bail me out of a jam until I have first tried my best to handle things.

Our community supports a volunteer rescue squad. Its members took only five years to set up emergency communications, purchase and equip two advanced life-support units, and build a building. Their facilities are so sophisticated that the fire department now stations a pumper at the squad. The equipment stays under lock and key except when members function as a group under established rules. A community militia can work the same way.

Proliferation of firearms today has gotten completely out of hand. In times when criminals have police outgunned, citizens are not going to acquire sufficient firepower to protect themselves without organization. By getting organized, however, we can learn how to use the right equipment properly. In some places this may be flashlights and two-way radios. Other places may require fully automatic weapons, body armor, magnum powder loads, and explosive bullets. Whatever it takes can be done.

I am trying hard to build up The Communitarian Network because the substance of discussion up and down this network is serious politics. Those who make and sell drugs will come to fear the spread of our network because getting more and more people to think with a community-wide perspective is the way to reclaim our streets. The night would truly have a thousand eyes. A criminal would not be able to keep a firearm secret. Firearm importation would stop. Private manufacturing of firearms would carry a stiff jail term, as would publishing, selling, or buying instructions on how to make firearms at home. The community would be prepared to meet and stop any armed conflict that remains.

For one husband of a “gun slinger,” communitarian thinking is what mitigates the hopelessness of failed gun-control policy and gives us all a chance for solid planning of a better future.

Jay Lowndes, Chair

A Historical Tradition of Same-Sex Marriages

John Gray (“The Failings of Neutrality,” Spring 1993), in his endorsement of majoritarian “toleration” as the basis for extending rights, argues that having courts order civil authorities to issue marriage licenses to same-sex marriage partners might set up a slippery slope whereby state recognition for polygamous relationships will be demanded. Preferring to tell gays, lesbians, and polygamists that “their time will or will not come,” as determined by legislative bodies in Britain and the United States, he alleges that “there is a single form of marriage entrenched in law in Britain.” Legal entrenchment, however, is the issue, and not an adequate defense.

Same-sex marriages existed in Hawai'i and North America among native populations long before English law, with its emphasis on contractual aspects of relationships, was imposed. Moreover, as Yale historian John Boswell has documented, Eastern Orthodox priests have been blessing same-sex marriages in certain parts of the Mediterranean since at least the 4th century. Metropolitan Community Church pastors, including those in Britain, have been recording same-sex “holy unions” since the mid-1960s. The issue has arisen more recently, as hospital authorities will not admit any but “legal family members” to be at the bedside to comfort a same-sex marriage partner who is dying.

As Gray's article appeared this spring, the Supreme Court of Hawai'i ruled that civil authorities there will have to issue marriage licenses to couples, regardless of the gender of the partners, unless the state can argue convincingly that a legitimate and compelling state interest can be found to be jeopardized thereby. We await such an argument before the court later this year. Under the Constitution of the United States, any marriage recognized in Hawai'i will have legal validity in all other jurisdictions of the country.

Michael Haas
University of Hawai'i at Manoa

Drawing by Signe Wilkinson; © 1993 The Philadelphia Daily News

ABOUT COMMUNITARIANS

When community begins to erode, communitarian movements sometimes arise to offer solutions. Recognizing the fragility of society, communitarians are centrally concerned with the “social glue” that binds people together. Communitarians understand that personal fulfillment and social order depend on the secure attachments and moral frameworks which only communities can offer. In periods of great social dislocation, a communitarian politics may be the only viable alternative to such dangerous phenomena as nativism and fascism which spring up proffering the illusion of relief from economic or spiritual pain. Communitarianism, in contrast, is a politics of meaning, which speaks to our need for belonging and purpose. At its best, it produces new values and institutions that can bring us together with greater civility and humanity.

America is ripe for a communitarian awakening. The Reagan-Bush free market magic failed to solve our social problems. Bill Clinton’s election—after a campaign calling for a “New Covenant” in America—signalled that the Reaganite gospel of rugged individualism had had its day. Clinton, whom many view as a closet communitarian, said in his victory speech and again in his inaugural address that he would ask all Americans to be interested “not just in looking out for yourselves but in looking out for others too.... We need a new spirit of community, a sense that we’re all in this together.” In subsequent months, Hillary Rodham Clinton has begun calling for a “politics of meaning,” and a new ethos of caring and responsibility.

Well before the 1992 presidential election, however, the discourse of communitarianism had begun to gain intellectual currency. In 1990, Amitai Etzioni, a leading sociologist who had served in the Carter administration, and William Galston, then a policy analyst with the “New Democratic” Progressive Policy Institute and now a domestic policy adviser to President Clinton, gathered a group of 15 influential academics to discuss America’s moral malaise. In January 1991 this group launched a new communitarian journal, *The Responsive Community*, which elicited a flood of favorable comment from *Business Week*, *Time*, and *The Chronicle of Higher Education*. In November 1991, the group organized a teach-in whose participants included not

only notable academics but Democratic Senators Bill Bradley and Daniel Patrick Moynihan, Republican Senators Dave Durenberger and Alan Simpson, and then-Senator, now-Vice President Al Gore....

The rise of communitarianism is suddenly something to be taken seriously. In *The Spirit of Community*, Etzioni makes an eloquent case for the potential of American communitarianism. His movement, he tells us, is a harbinger of a new American politics that has the potential to transcend old Left-Right divisions, bring together the classes, and heal the moral decay of a civil society in disarray. Etzioni's remarkably accessible volume succeeds in pinpointing the problems of morality and social commitment that are gnawing at the American soul.

Charles Derber, "Coming Glued:
Communitarianism to the Rescue,"
Tikkun, July/August 1993.



In the past two weeks, Clinton has spoken on several themes found in communitarianism—which holds that individual rights must be balanced by communal responsibilities—as well as in some philosophical strains of the Protestant and Roman Catholic faiths....

Clinton developed many of his beliefs while being raised as a Southern Baptist and taught at Jesuit-run Georgetown University. But because his newly articulated "vision" contains elements of communitarianism, the little-known ideology is suddenly getting a lot of attention. Its basic philosophy is that individual rights come with civic responsibilities....

Clinton "wants to be the president who restores what might be called a virtuous circle," Galston said in an interview, "where hope leads to cooperation, and cooperation leads to progress, and progress reinforces hope...."

When asked at a recent press conference to explain his and his wife's recent references to faith, Clinton said, "There's a sense of real alienation here, and I don't think we can speak to it "just with programs."

He said many national problems were linked to "the absence of a feeling that there is an overall philosophy." While the president did not use the word "communitarianism," his aides said

it was the “overall philosophy” he believes is needed.

Michael Kranish,
“Communitarianism: Is Clinton a convert?”
The Boston Globe, May 22, 1993.



Margot Adler (reporting for NPR): While they are few in number and more academic than activist, the communitarians see themselves as a new social movement that recommits America to a sense of shared responsibility for the common good. They see American families, neighborhoods, and cities disintegrating. And while they do not argue for a homogeneous society, they do believe that a unified commitment to shared values must exist alongside America’s pluralism....

Mary Ann Glendon (Harvard Law Professor): We’re hearing from people who are tired of having to choose between the stinginess of the extreme Right and the simplicity of the extreme Left. They’re tired of having to choose between hard-hearted laissez-faire and ham-fisted big regulation. Second, we hear from people who are tired of having complicated issues stuffed into 10-second sound bites. And finally, we hear from people who are tired of having every social controversy framed as a clash of rights without consideration of the responsibilities, individual and collective, that sometimes are correlative with rights.

Adler: Communitarians believe that Americans have become so focused on individual rights that they have forgotten that responsibilities go with them. For example, they say, how can you keep the right to a jury of your peers unless you are willing to serve on a jury? They are willing to restrict certain rights for what they consider the broader community good. So their opponents are often libertarians, both left and right. Communitarians favor random sobriety checkpoints, drug tests for pilots and school bus drivers, and, more controversial, metal detectors in high schools plagued by guns and license checks near neighborhood drug markets.

National Public Radio, June 14, 1992.



President Kennedy used to like the Chinese story about the gardener who was working frantically one day to get some fruit trees planted before dark. A friend came by and suggested that

he might as well slow down—the trees wouldn't bear fruit for 100 years. "In that case," the gardener said, "I can't afford to waste a minute."

That gardener was Amitai Etzioni's sort of person. Over the past few years, as the creator, interpreter, and chief promoter of the movement he calls communitarianism, Etzioni has put forth a whole host of ideas and proposals about how we ought to change government and social life in America in the 1990s. In the end, though, they come down to a few underlying principles, and among the most important of them are these: We need to do more of our living and governing in the future instead of the present. We need to spend more time planting trees and less time eating fruit.

At some key junctures during the past year and a half, Bill Clinton has made it clear he speaks the language of communitarianism. Right now is one of them. Clinton's address to Congress in February and his subsequent stump speeches have been laced with thoughts and rhetoric that might have come out of Etzioni's communitarian manifesto: the need for shared sacrifice, the importance of choosing investment over immediate consumption, the need to replace an economics of individualism and selfishness with an economics of the common good. William Galston, Etzioni's close ally in the movement, holds a senior policy position in the Clinton administration.

All of that makes this a critical—and dangerous—moment for communitarianism. It is just when a set of ideas begins to catch on that it risks being diluted to the point of irrelevance by journalists and politicians who like the slogan but aren't particularly curious about the details. I have no doubt that, in the coming months, we are going to be treated to the spectacle of a candidate spending a few hours in a soup kitchen, calling in the TV cameras and proclaiming that the era of communitarianism has begun.

Alan Ehrenhalt, "The We Generation Comes of Age,"
Governing, April 1993.

AUTHORITARIANS, LIBERTARIANS, AND COMMUNITARIANS

Compiled by Sarah Horton

From the Authoritarian Side:

Reprimanded for a Job Well Done?

When the University of Pennsylvania campus police received calls that someone was attempting to trash thousands of copies of *The Daily Pennsylvanian*, they gave chase and even apprehended some of the students involved. But the university was not pleased. In fact, a report commissioned by the university states the police should never have pursued the students—that the officers “should have recognized that the removal of the *DPs*... was a form of student protest and not an indicator of criminal behavior.”

As it turned out, the students involved were African-Americans who intended to remove all 14,000 copies of the paper from its distribution points around campus as a condemnation of what they considered racist coverage. They say their protest is protected by the First Amendment.

A faculty committee has submitted a ruling that the action was not an approved form of protest. However, the recent report concludes that the police’s response, even to an inappropriate protest, should not have been to pursue those involved. Instead, the police should have contacted administrators who would have then sent observers “to mediate and attempt to resolve any further conflicts that resulted from the removal of the *DPs*.”

The vice-provost for university life, attempting to clarify the university’s position, explained that university police are not supposed to intervene in even *misguided* demonstrations as long as protesters do not break any laws.

The report goes on to recommend that all security personnel should receive “training on working and interacting with people from diverse backgrounds.”

The Daily Pennsylvanian’s editors have complained that the university is much more concerned about appearing sensitive to minority interests than about protecting free speech, even in an academic community. Stephen Glass, executive editor of the paper, said of the latest university report: “Once again, it’s a demonstration that the university is not willing to stand up for a free press.”

Chronicle of Higher Education, *August 4, 1993*

The Classroom Conspiracy

A variety of courses and programs, under an even wider variety of names, has been set up in schools across the country to change the values, behavior, and beliefs of American youngsters from what they have been taught by their families, their churches, or the social groups in which they have grown up. These ambitious attempts to re-shape the attitudes and consciousness of a generation are as pervasive as they are little known, partly because they have kept a low profile, but more often because they are called by other, high-sounding names—“values clarification,” “decision-making,” “affective education,” “Quest,” “drug prevention,” “sex education,” “gifted and talented” programs, and many other imaginative titles....

A variety of programs used in classrooms across the country not only share the general goals of brainwashing—that is, changing fundamental attitudes, values, and belief by psychological conditioning methods—but also use classic brainwashing techniques developed in totalitarian countries:

1. *Emotional stress, shock, or de-sensitization* to break down both intellectual and emotional resistance;
2. *Isolation*, whether physical or emotional, from familiar sources of emotional support in resistance;
3. *Cross-examining pre-existing values*, often by manipulating peer pressure;
4. *Stripping the individual of normal defenses*, such as reserve, dignity, a sense of privacy, or the ability to decline to participate;
5. *Rewarding* acceptance of the new attitudes, values, and beliefs—a reward which can be simply release from the pressures inflicted

on those who resist, or may take other symbolic or tangible form.

*Thomas Sowell, Inside American Education:
The Decline, The Deception, The Dogmas, p. 34, 36.*

A Communitarian Balance = Subordination?

Now that the cold war is over, the U.S. Information Agency (USIA) is casting about for a new role. The sponsor of Voice of America, Radio Liberty, and Radio Free Europe—programs designed to promote democratic values—now must decide where to concentrate its efforts. But when Joseph Duffey, USIA's new head, used his confirmation hearings to address the ongoing question of how to shape democracy, some unquestioning patriots were not ready for such honest reevaluation. Duffey's concerns will seem familiar:

There is in our own nation today, new and spirited debate about the appropriate proportion between rights and responsibilities in a democracy. There is talk of service to community, of viewing work as a vocation with obligations to others rather than simply a path to individual fulfillment.... Part of our witness to the world today, part of the "American story," is the message that this society is not finished with the task of democracy.

Should the voice of democracy be allowed to critique itself? The *Washington Times* apparently does not think so. In an editorial criticizing Duffey's vision for the USIA, the *Times* distorted Duffey's talk of balancing rights and responsibilities into one of an imbalance:

One wonders how Mr. Duffey's vision will go over with the citizens of formerly socialist countries who have just escaped enslavement of the state. Will they want to buy into the notion that individual rights should be subordinated to the greater good of the community?

Washington Times, May 26, 1993

The Gays Are Coming

At least one of the nation's black newspapers already has a regular column written by an avowed and uncloseted homosexual. Another introduces "positive" images of homosexuals on its children's page. As would be expected, the black elite, so adept at aping the worst behaviors of white society, and eager to be on the cutting edge, has already opened doors to the further

dissemination of homosexual propaganda and images in the black community. Such people have so tightly forged the link between African-American and homosexual activists that a teachers' periodical entitled *Interracial Books for Children* devotes an entire issue to promoting homosexual books for *guess whose children?*

Thanks to their persistent efforts in the educational system and on the legal front, homosexual men are closing in on two of their most sought-after dreams—to be able to randomly approach and make passes at men without fear of reprisal (because laws against “gay” bashing will make retaliation a punishable offense), and to have open access to the nation’s children for future recruitment. If we continue on the present course, we blacks will have helped, directly and inadvertently, to make this possible.

Issues & Views, *Fall 1992*

From the Libertarian Corner:

The Orange County Register, *1993*

Indecent Proposal

A federal investigation of alleged sexual assault has zeroed in on an unlikely offender—Fonzi, resident of a marine research-oriented park—yes, a dolphin. It all began with a five-year-old videotape showing Fonzi, aroused by a female swimmer, begin to rub himself against her. When she tries to reject his pass politely, he abandons all formalities and throws himself at her feet in an attempt to block her exit.

“I think he offers to buy her a drink,” explains National Marine Fisheries Service (NMFS) spokesman Brian Gorman.

The NMFS investigation is just the latest battle in a long-standing dispute between Russ Rector, the president of Dolphin Freedom Foundation, an organization devoted to putting an end to “the dolphin entertainment industry,” and Dolphins Plus, a park to which Rector would like to put an end.

Rector has spent the past few years assembling evidence and letters from Dolphins Plus visitors who report suffering ill effects as a result of the park’s policy, which allows humans to swim with the dolphins. One letter reads, “Though I suffered no visible damage, the experience left an emotional scar. His penis was latched around my knee and he was determined to mate no matter how hard I tried to free myself.” Rector claims that such parks should be stopped because they pose risks to both the dolphins and their swimming companions.

The NMFS investigation is continuing to plumb the depths of the operations of Dolphins Plus, and to examine the claims against this slippery offender. What Fonzi will say when he takes the stand is anyone’s guess.

The Washington Post, July 17, 1993

Trust Her, She Watches Lots of TV

In May and June, Congress held hearings on television violence in an attempt to rattle the TV industry cages. Representative Edward J. Markey (D.-Massachusetts) suggested requiring that TV manufacturers equip each set with a special chip that would enable parents to prevent children from viewing programs with excessive gore. He also proposed marking shows with a V-rating so that parents would know which programs to block with the chip.

One would expect that libertarians would welcome both measures. Both chips and ratings enable parents to make informed choices and obviate the need for government controls. Moreover, children are at stake. Only the most extreme libertarian would argue that children, whose minds and values have not yet been formed, should be spared parental guidance.

Not so Virginia I. Postrel, the editor of the libertarian magazine, *reason*. In the August/September issue, labelling the bills “censorship,” she blasts away not merely at the locks and ratings, but at the very notion that violence does exist on TV. Objecting to *The Washington Post* columnist Meg Greenfield’s characterization of television as “the vivid, colorful sight of exploding heads and strung-out guts and guys endlessly careering around shooting other guys,” Postrel says, “That is a statement by someone who does not watch television.”

As she says, she ought to know:

I watch a lot of TV, including a range of police dramas: the respectable prime-time *Law & Order*, the trashy late-night *Silk Stalkings*, and the juvenile family-hour *Time Trax*. These shows never show gore.

If it were up to Postrel, Congress wouldn’t be debating how to curb the flood of violence depicted in our homes—they would be at home watching it.

To Each His Own Market

What’s all the fuss, *The Economist* wants to know, about a little prostitution ring? Deriding the police search for Heidi Fleiss (Hollywood’s “madam to the stars”), the editors are outraged that “in the cradle of the permissive society and home of free-market capitalism, she should be accused of a crime at all.” After all, they continue:

Ms. Fleiss was nothing more than a pleasure-broker. For a fee, she would arrange for rich men to have the chance to, as Angelenos put it, chase after girls who run slow. Indeed, the very name of Ms. Fleiss’s alleged crime shows how ludicrous it is: not prostitution, but “pandering.”

“Pandering” to what, you might well ask, other than legitimate, indeed wholly natural, human needs and desires. In fact Ms. Fleiss was simply supplying lubricatory information in a mar-

ket creaking from its lack. Hollywood's harried high-rollers have no time to engage in idle (and potentially fruitless) chat-ups; they are occupied with commanding the film business, which is after all one of the world's great industrial triumphs. Ms. Fleiss enhanced their efficiency; there was not a victim in sight.

The Economist, August 21, 1993

The Right for Illegal Immigrants to Live in New York City

The largest number of immigrants to New York over the past few years have come from the Dominican Republic. Hundreds of thousands of them have settled in Washington Heights, an area north of Manhattan, known for its booming drug trade, and also for containing the precinct with the highest number of homicides. As word spreads that Washington Heights is a good place to make a fast buck, the drug problem grows. One resident estimates that 25 percent of the Dominican community in Washington Heights is involved in the drug trade; another says 50 percent.

And yet, according to Moises Perez, president of New York City's *Allianza Dominicana*, a Dominican community group, there is no justification for cracking down on illegal immigrants to the city. "Anyone who wants to immigrate has the right to be in New York," he told Morley Safer of *60 Minutes*, while discussing the Washington Heights drug problem. "Documented or undocumented, you have a right to be in this city."

60 Minutes, May 2, 1993

Private Schools Better at—Public Virtue?

Public schools are often defended on the ground that they forge a common identity by including, especially in urban areas, students from very different backgrounds. Proponents of parental choice and reform, on the other hand, usually seem to ignore the need for this type of civic education. Proponents of reform might, however, articulate an alternative conception of civic education. Recall Adam Smith's defense of religious sects: sects would provide some of the moral discipline that otherwise slackens in an anonymous mass society. It may be that a liberal democracy depends on certain forms of discipline, self-control, and moral direction, not easily provided through public, lib-

eral-democratic institutions. Schools affiliated with churches or other particularistic moral communities might, however, generate these moral resources.

PEGS Newsletter, *Winter 1992*

National Service a Draft in Disguise?

So we all thought President Clinton's plan for a National Service Trust Fund seemed fairly straightforward. As we understood it, students would *volunteer* to do public service for two years in exchange for federal loans for college. Yet thanks to David H. Henderson, contributing editor of *reason* magazine, we are treated to a peek at what Clinton *really* has up his sleeve:

It isn't hard to build a scenario in which national service leads to a draft. Here's one: National service attracts few kids from higher-income families. Its advocates then argue that the only way to get broad participation across all income classes is to make national service compulsory.

Besides, continues Henderson, there's a better way for families who cannot afford tuition to send their children to college: loans. Here he gets to what he sees as the meat of the problem:

True, the interest rates for borrowing are high, but they're high because the loans are risky. And the loans are risky for one main reason: The U.S. Supreme Court refuses to allow enforcement of contracts in which people exchange their future labor services for money. The Court calls that "involuntary servitude," but it's no more servitude than the requirement that I pay my mortgage.

The Court does allow such contracts to be enforced when the employer is the U.S. military. National-service advocates would have the government do it for civilian jobs. People should have the same freedom to contract with private lenders to do private-sector jobs. And that would take care of funding for any deserving student who could benefit significantly from college.

reason, February 1993

Ferrets' Rights

It's good to know that someone has the best interests of ferrets in

mind. The New York City Friends of Ferrets recently staged the First Annual NYC Ferret Fest in Central Park, combining ferret fun with weightier matters. Gary Kaskel, a founder of the group, has established a legal-defense fund to protect the defenseless critters against the city's Health Department. According to Kaskel, this agency is guilty of unconstitutional acts of persecution against the animals. Suspecting one woman's ferret of rabies, the city had seized and destroyed the pet, whereas an autopsy revealed that it had been rabies-free.

The New Yorker, *August 9, 1993*

The Medical Care Crisis Explained

Following is an excerpt from a speech by Nobel laureate and free-market economist Milton Friedman upon accepting the Institution for World Capitalism Prize for "lifetime achievement in promoting economic freedom":

Why do we have a crisis in medical care? Why do we have a situation in which medical care costs have gone from 4 or 5 percent of the national income, which it was for decades before World War II, to 14 or 15 percent, with most of the increase coming after the establishment of Medicare and Medicaid? You won't believe what I'm going to tell you, but it's true.... What happened was that in World War II the government made the mistake of imposing wage and price controls to try to keep inflation down.... Employers found it hard to attract the workers they needed since they weren't legally permitted to raise the wages they offered, so they started to offer fringe benefits as a way to attract workers. One fringe benefit that turned out to be very popular was the provision of medical care. Prior to that date, people were generally responsible for their own medical care.... They understandably did not report it to the IRS as part of the worker's income. With its usual government efficiency, the IRS didn't catch on to what was going on for about three years. When it finally did, it started instructing employers to report the cost of medical care as part of the employee's taxable income. By this time, the employees figured non-taxable medical care was a right and so there was a big uproar, and Congress, in response, passed a law making it a non-taxable fringe benefit.

That led to the present absurd situation. There is no reason why employers should be responsible for employees' medical care. (Applause.) Surely, food is more essential than medical care. If employers have to be responsible for medical care because it's

so essential, should we require the employers to be responsible for food?

World Capitalism Review, April 1993

From the Community at Large:

Local Hospitals Make Good

Hospital “report cards” rating quality and cost of care in states ranging from Pennsylvania to Iowa to California are discovering more and more that community medical centers are where it’s at. Using objective criteria such as death rates and the cost of specific procedures, these reports show that large urban teaching hospitals are being upstaged by local alternatives that offer the same or higher-quality care at lower prices.

For example, in the Philadelphia area, Bryn Mawr Hospital, which sleeps 393, ranks just behind the giant Hospital of the University of Pennsylvania in the number of hip and knee replacements performed, and at nearly half the cost: the average charge in 1990 was \$22,547 as compared to the university hospital’s \$42,325.

In addition, Pennsylvania’s Reading Hospital and Medical Center was one of only four hospitals state-wide that fell short of the number of expected deaths from heart bypass surgery, and tied for the lowest charge (\$21,000 as compared to Penn’s \$77,000). And all this despite the fact that Reading performed 526 heart bypass operations in 1990, far more than the number at Penn or at another academic medical center, Graduate Hospital. The greater the number of surgeries performed, the higher the success rate, which in turn often translates into lower hospital bills.

Officials at Penn and Graduate Hospitals contend that the report’s formula for calculating expected death rates does not take into consideration all appropriate factors. The Pennsylvania Health Care Cost Containment Council, a state agency that compares such characteristics, takes into account 14 variables that determine severity of illness, including a patient’s age and the number of arteries bypassed. But the

academic medical centers charge that other contributing factors were ignored, such as whether a patient had been turned down elsewhere due to aggravated illness.

“I don’t believe that these [statistical] models accurately reflect the whole story about severity of illness,” says David Shulkin, who directs clinical outcome assessment and quality management at Penn.

Still, six of the seven academic medical centers ranked in the most expensive third in heart bypass surgery state-wide. Such large teaching hospitals incur high costs due to the instruction they provide and the care they give to uninsured patients.

US News & World Report, *July 12, 1993*

Regulating Sex Clubs

As the spread of AIDS continues, city health departments from New York to Los Angeles are issuing stronger guidelines for policing sex clubs. At issue is to what extent the state may justifiably intervene to protect public health.

In New York City, an advisory panel on AIDS recommended that the city close all clubs that allow high risk sexual activity in public places, which is prohibited by state regulation. Under a revised code, all sex without a condom would be considered high risk.

In addition, the panel suggested that sex establishments be required to encourage safe sex by displaying educational posters and distributing condoms.

New York City’s Health Commissioner Dr. Margaret A. Hamburg says she intends to let the clubs employ their own “monitors” who will patrol open areas and peek into stalls. Yet the city will also send its own inspectors to check on the monitors, and officials say they will fine or close clubs that allow patrons to engage in high risk sex.

Civil libertarians complain that the state is not justified in interfering in clubgoers’ rights to privacy or free association, even when acting in the interest of public health. “Once they’re educated, consenting adults have the right to engage in whatever sexual activity they choose, even if they harm themselves,” says Mike T. Isbell, a lawyer with the Lambda Legal Defense and Educational Fund.

Yet Associate Health Commissioner for Policy Mark Barnes explains the need for such regulations: “In a city with 200,000 infected people...a health department would not be worth its salt unless it acted to head off the transmission of HIV.”

Compared to some cities, even New York City’s regulations are lax. In Los Angeles, sex establishments are regulated by a court agreement that enforces patrols by club monitors every 20 minutes. In addition, clubs are required to ensure that each patron signs a written pledge to use condoms.

New York Times

PC on the Shelves

Coppertone Suntan Lotion is planning to introduce Little Mr. Coppertone, a male counterpart to Little Miss Coppertone, to the market. And Superman will be reincarnated in four new lives: as an African-American, an Asian, a Caucasian, and a Latino.

The Community's Pulse

Family Circle Poll, October 13, 1992

FIGHTING TO KEEP THOSE TAX BREAKS

In a last-ditch attempt to strike the clause eliminating tax breaks for lobbying expenses from Clinton's budget plan, Wade Williams, a member of the trade group, the American Society of Association Executives (ASAE), sent a memo to fellow lobbyists soliciting \$2,000 to "sensitize [the] office" of one additional member of the Senate Finance Committee. ASAE had already spent \$20,000 on what he termed an "outreach" to hold-out members of the tax-writing committee, crucial in repealing the clause.

All to preserve three words at the end of Williams's memo, costing the federal government as much as \$1.2 billion through 1998: "It's tax deductible."

Williams is essentially lobbying against his own extinction. If members of his lobbying association, the American League of Lobbyists, can no longer write off the \$5,000 dues they pay, then lobbyists could become an endangered species. And perhaps legislators would be less in hock to such moneyed interests.

To Williams, this latest campaign was hardly remarkable. The \$20,000 the ASAE has already spent only amounts to "a tiny, tiny speck" of most lobbying campaigns, he said. "This goes on everyday in Washington."

According to Williams, "the results [of his lobbying] have been particularly good." And indeed, as a conference committee was drafting the final version of the budget behind closed doors, a few lobbies issued a final and successful plea for Congress to gut the tough Senate clause in favor of the more lenient House version. Under the new legislation, "educational" groups can deduct their lobbying expenses, as can any group lobbying mid- and lower-level government officials outside Congress.

According to the ASAE, the scaled-back clause is only "half a loaf."

We don't think it's overestimating their powers to predict the lobbies will eventually walk away with the other half.

Press Reports

HOW THEY SPENT THEIR SUMMER VACATIONS

Financial disclosure forms for 1992 reveal the following kindnesses (among many others) some special interests lavished on members of Congress:

- *Representative Kweisi Mfume (D.-Maryland)* visited scenic St. Thomas, courtesy of the National Association of Minority Business.
- *Representative Robert Michel (R.-Illinois)* caught the sun in Palm Springs, California, thanks to the National Association of Broadcasters and Fay Improvement Company. Then it was on to Paris, with the help of the Battle of Normandy Foundation.
- *Representative Tom Lantos (D.-California)* caught the sights of Vienna thanks to the Aspen Institute.

BAD APPLES? A ROTTEN BARREL!

Many support Congressional term limitations under the impression that they would bring in new faces untainted by special-interest influence. Unfortunately, as we have long argued, poisoned fruit comes from a poisoned tree. Here are some facts that bear out the proposition that emptying Congress won't help unless the whole system of campaign financing is overhauled:

Amount of PAC contributions freshmen in the House of Representatives received in first six months of office: **\$3.8 million.**

Percentage of total contributions to House freshmen received from PACs: **47.**

Number of House freshmen who solicited PAC money in first six months of office: **100**.

Number of House freshmen who did not: **10**.

Number of House freshmen who as challengers signed a pledge to work for campaign finance reform: **68**.

Data from Common Cause

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