

THE
RESPONSIVE
COMMUNITY



RIGHTS *and*
RESPONSIBILITIES

Volume 5, Issue 1, Winter 1994/95

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The Responsive Community (ISSN 1053-0754) is published quarterly by the Center for Policy Research, Inc., a non-profit corporation. The journal is listed in the following indexing/abstracting services: PAIS, Sociological Abstracts. Microform copies are available through Microfilms, Inc. The journal is distributed by Bernhard DeBoer, Inc. (201) 667-9300.

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Subscriptions: Subscription rates for individuals are: \$27 per year; \$48 for two years; \$17 per year for full-time students. Libraries and institutions: \$70 per year. Subscribers outside the U.S. should add \$7 per year for additional mailing costs. Send subscriptions and change of address information to: Circulation Manager, The Responsive Community, 2020 Pennsylvania Ave., NW, Suite 282, Washington, DC 20006, U.S. Tel: 1-800-245-7460. FAX: (202)-994-1606.

Editorial Information: Editorial correspondence should be directed to the Editors, The Responsive Community, 714 Gelman Library, The George Washington University, Washington, DC 20052, U.S. We regret that we cannot be responsible for unsolicited manuscripts. If you would like to write for us, please send a brief manuscript proposal first.

We the Jury Find...

The U.S. jury system confronts us with a powerful contradiction: We love the idea of the jury but hate the way it works. We celebrate the jurors' democratic power but no longer trust the decisions they reach. We say we have the best system in the world, but when called to serve, most of us do everything we can to duck out. Increasingly, thoughtful people question whether the jury's power is worth preserving if it's exercised so poorly—and by so few.

We need only look around us to see that a jury system isn't necessary to a well-ordered society or even to a representative democracy. Japan had a jury system for a while and dropped it. Israel has never had one. Germany, France, and most of the rest of Europe use a different system of justice, one that relies on small panels of professional and lay judges. Even in Britain, the cradle of the modern jury, the jury system is slowly disintegrating. Today only 1 percent of civil trials and 5 percent of criminal trials are decided by juries.

Yet we needn't go the way of Britain—and we mustn't. The jury continues to mean more to us here, in large part because of its important role in our early history. Before the American Revolution, eighteenth century juries made their mark by defying abusive prosecutors and judges appointed by British rulers. If the laws the British tried to enforce seemed unfair, juries discovered they could refuse to convict colonists of violating such edicts. Our nation's founders took note: The right to trial by jury in criminal cases was written into the Constitution as a way to protect the individual against oppressive acts of government—even if the government was not our own. In the process, jury service emerged as an important attribute of citizenship, as well as an invaluable exercise in self-rule.

Whether a jury declared a defendant guilty or not, members of the community could be assured that the verdict had been reached by

their neighbors—and thus were legitimate. As Federal Appellate Judge John J. Gibbons put it, “The jury is a sort of *ad hoc* parliament convened from the citizenry at large to lend respectability and authority to the process.”

To be sure, juries in the age of Rodney King, Reginald Denny, the Menendez brothers, and O.J. Simpson may no longer appear to serve such an exalted function. Pervasive pretrial publicity, complicated laws, excessively lengthy trials, the expanded use of jury consultants, even the deterioration of our court facilities all have diminished the ability of jurors to do their jobs effectively. But the jury system retains the capacity to play its traditionally vital role in the community. Far from abolishing the jury, we should set out to fix what is clearly broken.

What, then, makes for a better jury—and a better system of justice?

Just 30 years ago many people would have said that a better jury was one from which the poor, the uneducated, and the unrefined were excluded. The emphasis was on entrance requirements, as if the jury pool were a social club or an institution of higher learning.

But thanks to much-needed civil rights legislation in 1968, there's no going back to such an exclusionary, elitist, and frequently racist approach. The law now says jury pools must represent a fair cross section of the population. The trick to seating the best possible juries is to make sure that the promise of inclusion is fulfilled, that all of the community's strengths are tapped. That means eliminating all the ways in which otherwise qualified individuals are removed before they can become jurors.

One problem is that about half the states have laws that exclude broad categories of people from the requirement of jury service. In New York state, for example, a potpourri of more than 20 professional groups with strong lobbies have been freed from jury duty; these include optometrists, embalmers, and podiatrists. Repealing all such laws would go a long way toward seating more distinguished juries and placing renewed value on the universality of jury service.

But many individuals would still seek to avoid serving by ignoring jury notices; indeed, the current no-show rate is about 55 percent nationally. It's up to court officials to package jury duty more attractively if they want more people to participate. Requiring people on jury duty to serve on only one jury is one good approach; if they are not chosen, they are dismissed after just one day. An alternative is to let people call the courthouse each day for a week to see if they will be needed that day and to let them go about their business if they're not.

Convenience must be accompanied by firmness. Building a better jury means treating jury duty like military service in wartime; the requirement of service should be, for the most part, nonnegotiable. In such a system, enforcement costs would spike initially, but soon all law-abiding people—the kind who file tax returns every year—would be fulfilling their jury obligations.

Accomplish this, however, and there still would be something wrong with the jury picture. Many qualified prospects would con-

tinue to get excluded from serving as a result of the lawyers' ultimate poker game, exercising peremptory challenges. Many of those who are currently removed via lawyers' challenges appear to be more alert and unbiased than many who are seated. And many peremptory challenges, which lawyers ordinarily can exercise without stating any reason, continue to be rooted in racial, ethnic, and sex discrimination. (The Supreme Court's efforts to preserve these challenges while prohibiting their use for discriminatory purposes has proven difficult to enforce.)

Eliminating peremptory challenges would destroy the only means through which lawyers can manipulate the composition of juries. It also would mean destroying the huge market for jury consultants who promise not only to pack juries but to do so scientifically. And it would mean that decades of stereotypes about how people with various characteristics are likely to vote as jurors would become moot.

Black and white, fat and skinny, young and old, transit worker and physicist all would be treated alike. Rather than wonder why they were excluded and doubt the fairness of the system, millions among the formerly spurned would finally get their due: the chance, as jurors, to exercise direct power in a democracy.

But building a better jury takes us only part way toward building a better jury system. The other half of the equation is making it possible for a conscientious jury, whatever its makeup, to understand its task and perform it well. The jury system can be improved dramatically if judges and court administrators simply insist, as they nearly always have the power to do, that jurors receive a level of respect and resources commensurate with their power and importance.

More vital than creature comforts, though these are important, is knowledge. Jurors need more of it, and they need it as early in the process as possible. The best way to provide it is for judges to deliver legal instructions at the start of the trial instead of waiting until all the evidence is in.

Reversing the traditional order gives jurors a useful roadmap to follow as they listen to witnesses and consider the lawyers' argu-

ments. Preliminary instructions can explain what crime is alleged, how it is defined, and precisely what evidence will have to be presented to prove that the crime occurred. As judges who have tried it have discovered, this method helps jurors understand why a particular witness is testifying and which facts are important. Jurors don't have to try to piece everything together at the very end of the case.

It's not enough, of course, that legal instructions be presented early. They also have to make sense. Frequently they do not. Terms such as liability, damages, inference, execute, representation, immaterial, preponderance of the evidence, admissibility, and burden of proof, which seem self-evident to lawyers, baffle jurors. Instructions are typically thick with complex, multiclaused sentences, passive constructions, and multiple negatives. Jurors often either ignore the instructions or misapply them. The solution, though simple, has eluded most judges: Deliver instructions in plain English.

Jurors also would benefit from being able to take notes and, if confused by testimony, to steer questions to witnesses. The point is that an alert, responsible jury—the kind we are seeking to build—should be entitled to a voice in the nation's courtrooms.

The words of Alexis de Tocqueville, written 160 years ago, remind us of how much we have to gain from a properly functioning jury system. "By obliging men to turn their attention to other affairs than their own," he wrote, the jury system "rubs off that private selfishness that is the rust of society....I think that the practical intelligence and political good sense of the Americans are mainly attributable to the long use they have made of the jury."

Stephen J. Adler

America United

We often hear we are in the midst of “school wars” that foreshadow the end of public education. Parents, like U.S. society in general, we’re told, are increasingly divided along racial and religious lines. As a result, there are constant battles over issues like sex education, teaching values, and multiculturalism, with the schools caught in the middle. But a study by the Public Agenda Foundation, a nonpartisan research group, suggests just the opposite. While there are people with extreme views, most Americans are far more concerned about holding students to basic standards of conduct and achievement. Moreover, there is considerable agreement about even some of the most controversial questions.

The study, “First Things First: What Americans Expect from the Public Schools,” surveys the general adult population and public school parents who are white, African-American, and traditional Christians (defined as people who agree that “The Bible is the actual word of God and is to be taken literally” and/or who describe themselves as “born-again Christians”).

Most people are extremely concerned with having safe schools where discipline is enforced and students master the basics before moving on to other things. But most—and that includes African-American and traditional Christian parents—are not especially worked up about the issues that figure in the so-called school wars.

Despite the attention they have attracted in the press and the genuine turmoil they have created in some school districts, “values” disputes about how history and science should be taught, about how minorities are portrayed, about what textbooks should be used, and about what moral traditions should be conveyed in sex education and AIDS prevention programs are not at the top of the public’s list of concerns about the schools.

For example, 24 percent of all Americans (and 30 percent of traditional Christian parents) believe that schools “are too graphic and explicit when teaching sex education” and think that this is a serious problem. These are not insignificant percentages, but they pale in comparison with the percentages that consider drugs and

violence a serious school problem (72 percent of all Americans; 66 percent of traditional Christian parents; and 80 percent of African-American parents). And though we hear a lot about disputes over “inappropriate” material in textbooks and lessons, relatively few parents identify this as a serious concern: Fifteen percent of parents (and 23 percent of traditional Christian parents) say they have seen something that “struck them as very inappropriate” in their child’s textbooks or lessons. Nor is the public worried that children will be corrupted by the people who teach them. Seventy-six percent say teachers’ values are “close to their own.”

There is broad agreement among all groups that schools should teach values, and they are in substantial agreement about what values should be taught: tolerance and equality. For example,

- 95 percent of Americans say that schools should teach “respect for others regardless of their racial or ethnic background.”
- 84 percent believe students should learn that “having friends from different racial backgrounds and living in a racially integrated neighborhood is good.”
- 76 percent say students should be taught about “the struggle for black civil rights in the 1950s and 1960s.”
- Even in an area as controversial as homosexuality, 61 percent of traditional Christian parents believe it is appropriate for the schools to teach “respect for people who are homosexual”—the same percentage as the general public.

Moreover, people tend to reject views that are extreme and divisive: Most would oppose a school’s inviting a speaker who “argues that the Holocaust never happened” or one who advocates black separatism.

In other words, most Americans are not interested in making the schools vehicles for private beliefs. Rather, they believe that the job of the schools is to teach kids “the values that allow a diverse society to live together peacefully.”

Of course, there are areas of disagreement. For example, traditional Christian parents are more likely than other groups to object to

sex education that is value-neutral. But even in this controversial area, researchers found that participants in focus groups did not try to impose their views on others. In fact, they looked for “areas of agreement” and for ways of reaching a decision acceptable to everyone.

The Public Agenda research reveals broad agreement among Americans about school issues often considered flash points. And it should reassure those who fear the “takeover” of schools and school boards by extreme right-wing groups. As “First Things First” shows, extreme elements will have a chance to gain leadership only when a school district deviates from the middle-of-the-road values held by the majority of white, African-American, and traditional Christian parents.

Albert Shanker

A Shift in Family Values

Bill Bennett wants America to talk more about divorce, less about homosexuality. “I understand the aversion to homosexuality,” he told the Christian Coalition conference. “I understand the difference between approval and tolerance. But if you look in terms of the damage to the children of America, you cannot compare what the homosexual movement, the gay rights movement, has done with what divorce has done to this society.”

This carefully constructed paragraph is no ringing endorsement of homosexuality or the gay agenda, just a plea for a new ordering of priorities. In one form or another, the idea seems to be sweeping through the social conservative movement, Republican division.

Asked about homosexuality recently, Dan Quayle answered, in a straightforward and banal way, “That’s their choice.” *Politically Incorrect*, a new book by Ralph Reed, Executive Director of the Christian Coalition, contains only glancing references to homosexu-

ality in 267 pages. And David Boaz of the Cato Institute has scolded the *American Spectator*, *National Review*, and the Family Research Council for being “obsessed” with homosexuality. He too wants to talk about divorce. He points out that Cobb County, GA, which passed an antigay resolution, has a 20 percent illegitimacy rate and two divorces for every three weddings. “Surely,” he wrote in a *New York Times* op-ed piece, “the 1,545 unwed mothers and the 2,739 divorcing couples created more social problems in the county than the 300 gay men and women who showed up at a picnic to protest [the antigay resolution].”

Some of this shift in emphasis can be viewed in very practical (or, perhaps, cynical) terms. A kinder, gentler image won't hurt the Republican Party at the polls. Jim Pinkerton, the columnist and former Bush aide, has said several times that it's foolish for Republicans not to court gay voters.

The Christian Coalition, depicted by its enemies as an army of fanatics, wants to show that its social agenda isn't confined to a few familiar issues and that gays aren't being scapegoated for family decline. So Reed explains that the coalition isn't “just concerned with abortion and homosexuality.”

But some of this rhetorical shift also seems to stem from a simple sense of fairness. If we are going to talk about the no-father homes of the underclass, let's talk about the middle-class, post-divorce version, too. After so much targeting of gays, women (for abortion), and blacks (for illegitimacy), it seems appropriate to talk about a form of social devastation indulged in regularly by straight white males, with little criticism and absolutely no stigma. As Bennett said: “If you leave your wife and get yourself a ‘trophy wife,’ you're not going to be greeted with condemnation or even a raised eye by most people, because it has become a convention. But what has the convention done to American society?”

Like Boaz in his op-ed article, Bennett's speech talks about illegitimacy as well as divorce. Barbara Dafoe Whitehead's famous *Atlantic Monthly* article, “Dan Quayle Was Right,” did a lot to make a joint discussion of these two subjects possible. Much of the devastating evidence she poured forth about the no-father home applied just as well to Great Neck as it did to Harlem.

But another piece of writing, only now beginning to affect policy discussions, has had even more to do with depicting divorce and soaring illegitimacy as different aspects of the same problem: Myron Magnet's 1993 book, *The Dream and the Nightmare*.

Magnet argues that culture counts and helps to shape society. As a result of the liberation movements of the 1960s, he says, "mainstream culture began to be intoxicated with its own sexual liberation—premarital, extramarital, you name it. If marriages broke up, as increasingly they did, that was OK, because individual, personal fulfillment was more important than family stability."

No need to stay together for the sake of the children. That was an unjustifiable restraint, and besides, kids are resilient. Quality time would make up for the old-fashioned quantity time, and kids would be happy if their parents were happy. Magnet writes: "We could hardly turn to the poor and say, OK fellas, all this is fine for us, but not for you—you have to cleave to the straight and narrow. So we destigmatized for everybody much sexual behavior that formerly had been kept in check by strong social disapproval. In the case of the poor, we destigmatized getting pregnant out of wedlock, even for 15-year-olds, even for 13-year-olds."

The haves began abetting the proliferation of single-parent families among the have-nots, gradually evolving the current ideology that no-father homes are as good as any other kind. Magnet argues that the new culture devalued all the things necessary to escape poverty, like hard work and family stability, while glamorizing things that keep the poor poor, such as drug use and casual, uncommitted sex.

Echoing Magnet, Bennett said in his Christian Coalition speech: "When we loosened the marital bond on the middle class of this country, we destroyed it for many of the poor." Magnet's approach enables us to blur the lines of class and race when talking about the family decline we have wrought. It also has the advantage of being correct.

John Leo

ad

COMMUNITARIAN THEORY

Civil Society: Beyond the Public-Private Dichotomy

DAVID HOLLENBACH, S.J.

Sustaining democracy depends on citizens who understand themselves as responsible for the quality of their common life together. The recovery of the idea of the common good and a strong sense of the virtues of citizenship are vitally important at this point in U.S. history. The individualistic understandings of humans that are common in U.S. culture today need to be transformed by solidaristic sensibilities.

Many people have legitimate fears that the revival of virtue and the common good will lead to a stifling of freedom. Historically, the defense of individual rights has emerged as a liberation movement out of the struggle against arbitrary power—both the political power of the monarchies of the *ancien regime* and the economic power of the aristocracy. Contemporary liberal theorists are rightly wary of solidarities that threaten freedom with authoritarian or paternalistic politics. They are also suspicious of the potential for violent conflict that strong religious, ethnic, and national solidarities have historically exhibited and still sometimes display today.

THE LIBERAL TRADITION

The stress on freedom and autonomy in modern liberal democracies developed in response to the diversity of conceptions about the meaning and purpose of life, what John Rawls calls “the fact of pluralism.” This pluralism is most evident in the religious domain,

but there is also a deep pluralism in philosophical conceptions of how to live a good life. In a 1987 article in the *Oxford Journal of Legal Studies*, Rawls argues that this religious and philosophical pluralism

is not a mere historical condition that will soon pass away; it is, I believe, a permanent feature of the public culture of modern democracies. Under the political and social conditions secured by the basic rights and liberties historically associated with these regimes, the diversity of views will persist and may increase.

Thus, according to Rawls, the “common sense political sociology of democratic societies” tells us that agreement on a single conception of the good life among all citizens is unattainable. Such agreement could be maintained “only by the oppressive use of state power.”

Rawls is correct about the deep disputes over the good life in our society, but for Rawls these disputes are unresolvable. He argues that, in politics, we must deal with disagreements through what he calls “the method of avoidance.” According to Rawls, in political life “we try, so far as we can, neither to assert nor to deny any religious, philosophical or moral views, or their associated philosophical accounts of truth and the status of values.” Only in this way will we have a chance of achieving the level of consensus necessary for social harmony to exist at all. Rawls therefore prescribes that “we apply the principle of toleration to philosophy itself” when debating the basic political and economic institutions that will structure social life. Each person must be free to hold his or her view of what the full good really is, but these comprehensive views of the good life must remain the private convictions of individuals. “In applying the principle of toleration to philosophy itself it is left to citizens individually to resolve the questions of religion, philosophy and morals in accordance with the views they freely affirm.” Or as Richard Rorty puts it, religious and philosophical convictions should be exempt from coercion in a liberal society under one condition: that such convictions “be reserved for private life.” Argument about the common good is also to be avoided in debates about more specific public policies; liberal democracy aims at “disengaging discussions of such questions from discussions of public policy.” But this privatization of “thick” visions of the good, those that are substantively rich both politically and socially, is not only a sociologically given fact; it is a moral constraint on political activity.

As one contemplates the sad state of the former Yugoslavia and other places where intertribal conflict is rife, the dangers of exclusivist forms of solidarity and the virtues of liberal tolerance are evident. But does this imply that Rawls's insistence on comprehensive visions of the good life being reserved for the private sphere, and on public life being built solely around the value of tolerance, is the medicine needed to heal what ails the United States?

In the United States, citizenship has itself become problematic. Many voters apparently lack confidence that Rawls's individuals can have any meaningful influence in a political society as vast as ours. Many people feel politically powerless, including many in the middle class. Rawls recommends that we avoid introducing thick conceptions of the human good into political discourse to avoid potential conflicts. But this approach ironically seems to threaten democracy through alienation and anomie. A principled commitment to avoid a discourse about the common good produces a downward spiral in which shared meaning, understanding, and community become elusive.

STRUCTURING INTERDEPENDENCE

The U.S. Catholic bishops implicitly demonstrated their fear of structural individualism in their 1986 pastoral letter, *Economic Justice for All*. Echoing numerous sociologists, the bishops noted the deep structural causes for the contemporary devaluation of citizenship. According to the letter, individual lives are fragmented by a division of labor into highly specialized jobs and professions and by the division of life into family, work, friendship, religion. This fragmentation undermines the sense of overall purpose in the lives of individual persons, leading to a seemingly endless quest for one's own identity. Moreover, it denies individuals an intelligible map by which they can locate themselves and chart their courses.

When modern society and culture are contrasted with the more organic and integrated world of the premodern era, a characteristic of great moral significance stands out—the increase of individualism in modern society. In Sociologist Peter Berger's analysis, this fragmentation of the social world means that

the individual's experience of himself becomes more real to him than his experience of the objective social world. Therefore, the individual seeks to find his "foothold" in reality in himself rather than outside himself. One of the consequences of this is that the individual's subjective reality...becomes increasingly differentiated, complex—and "interesting" to himself. Subjectivity acquires previously unconceived depths.

Such preoccupation with personal identity makes it difficult to see that the lives we lead make a difference for the common good. And lack of public discussion of the common good in turn generates a heightened sense that individuals are powerless.

The great irony is that the same social conditions that encourage individualism and preoccupation with subjectivity also encourage structured interdependence among persons. Technology, bureaucracy, mobility, and mass communication make the public world seem alien and impersonal, but at the same time they heighten the impact that the public world actually has on the dignity and meaning of individual lives. They have made it increasingly difficult to sustain a vision of the common good. And it is more important than ever to do so if we are to sustain democratic practices.

LIBERALISM'S INADEQUACY

We must rethink the sharp division between the private and public spheres of social existence. Thinkers like Rawls and Rorty fear the presence of interpretations of the good life in public, because they identify public life with the domain governed by the coercive power of the state. Others with a more libertarian bent worry that too much public presence of visions of the common good will restrict economic freedom by setting political constraints on the market. In both cases, discussing comprehensive understandings of the good in public life presupposes that the public sphere is identified with the state, and the private with the market. The relation of private and public spheres is interpreted as isolated individuals confronting anonymous and impersonal entities. The defense of freedom thus becomes identified with the defense of a zone of privacy.

This bipolar disjunction of human activity into public and private spheres raises serious questions. Alan Wolfe argues in *Whose Keeper? Social Science and Moral Obligation* that the increasingly dense and

complex spheres of government and the marketplace threaten to overwhelm whatever remnants of private freedom still exist in advanced modern societies. The sphere of freedom is “increasingly squeezed from two directions”—on the one side by the administrative state bureaucracy and on the other by powerful determinisms of markets linked together in a vast global network. Wolfe argues that if the freedom promised by modernity is to survive under the conditions that prevail in advanced societies, then we need a counterweight to the pressures from the state and the market. Solitary, private individuals cannot provide this counterweight. In his words, “we need civil society—families, communities, friendship networks, solidaristic workplace ties, voluntarism, spontaneous groups and movements—not to reject, but to complete the project of modernity.” The strong communitarian links found in the diverse groups of civil society must have greater public presence.

Wolfe’s argument strikes a sympathetic chord in those like myself, who have been shaped by the tradition of Roman Catholic social thought. For a variety of reasons, Catholicism had an adversarial relationship with the rising liberal democracies of Western Europe through the modern period up to the middle of this century. In recent decades, however, this relationship has been transformed into a strong Catholic alliance with democratic principles. This alliance has been evident in the highly visible role played by the Catholic community in numerous recent democratic movements from Poland to the Philippines, from Chile to South Korea. One source of this dramatic shift was Philosopher Jacques Maritain’s and Theologian John Courtney Murray’s retrieval of the distinction between civil society and the state. Civil society is the more encompassing reality, composed of numerous communities of small or intermediate size such as families, neighborhoods, churches, labor unions, corporations, professional associations, credit unions, cooperatives, universities, and a host of other associations. Note that though these communities are not political in the sense of being part of the government, they are not private either. They are the social realities that form the rich fabric of the body politic.

In a democratic society, government does not rule but rather serves the body politic, animated by the activity of intermediate communities. The bonds of solidarity formed in these communities

enable persons to act together, allowing them to influence larger social institutions such as the state and the economy. Pope Pius XI formulated this in what came to be known as the principle of subsidiarity: government “should, by its very nature, provide help [*subsidium*] to members of the body social, it should never destroy or absorb them.”

According to this way of thinking, the basis of democracy is not atomistic individual autonomy. Participation in democratic life and the exercise of true freedom in society depend on the strength of the communal relationships that give persons a measure of real power to shape their environment, including their political environment. As the sociologist of religion John Coleman has argued, the Catholic commitment to democracy rests on “a presumptive rule about where real vitality exists in society.” The presumption here is that solitary individuals, especially those motivated solely by self-interest and the protection of their rights to privacy, will be incapable of democratic self-government because democracy requires more. It requires the virtues of mutual cooperation, mutual responsibility, and what Aristotle called friendship, concord, and amity.

Aristotle knew well that there were limits to how wide a circle of friends one might have, just as he knew there were limits on the size of a city-state. A nation as vast and diverse as the United States cannot hope to achieve the kind of social unity that was possible in the Athenian *polis*. The virtues of mutual cooperation, responsibility, and friendship can exert positive influence in small communities that share a common vision of the final good and meaning of life, but we hardly expect this to occur on a national (much less an international) level.

But here the irony of modernity once again comes into play. *De facto* technological, political, and economic interdependence calls out for a conscious acknowledgment of and commitment to our *moral* interdependence. The principle of subsidiarity, with its stress on the local, the small-scale, and the particular, must be complemented by a solidarity that is more universal in scope. This wider solidarity is essential if communitarian values are to avoid becoming a source of increased conflict in a world already riven by narrowness of vision.

TOLERATION OR SOLIDARITY

The tradition of Western liberalism deals with the problem of diversity of communities, traditions, and peoples by invoking the idea of toleration. In public, at least, it proposes that differences be dealt with by not discussing them. “The method of avoidance” is inadequate in our highly interdependent world in which diverse communities not only rub shoulders, but must rely on each other for their very survival. Such a world demands positive engagement with those who are different. Such positive engagement cannot be mandated by an administrative state, not to mention by an authoritarian one. It can only be achieved on the cultural level, where people’s visions of the good freely converse.

Solidarity does not appear among the cardinal virtues of prudence, justice, temperance, and fortitude that were central for the Greeks and Romans, nor among the theological virtues of faith, hope, and love enumerated by Christian thinkers like Augustine and Aquinas. Pope John Paul II, however, has recently proposed adding solidarity to these classic lists, calling solidarity a key virtue needed to address the problems of our world. He defines this virtue as “a firm and persevering determination to commit oneself to the common good.” It is a moral attitude and social awareness that transforms the *de facto* interdependence of persons and groups into a conscious bond of mutual responsibility.

Such solidarity has both intellectual and social dimensions. “Intellectual solidarity” is a spirit of willingness to take other persons and groups seriously enough to engage them in conversation and debate about how the interdependent world we share should be structured. It calls for public discourse about diverse visions of the good life.

Because intellectual solidarity demands *mutual* listening and speaking, it can only occur in an environment where all are genuinely free to set forth their vision of the common good and the reasons why they hold it. Aristotle maintained that the very existence of the *polis* is dependent on the human power of speech, the ability of citizens to set forth their understanding of “the expedient and the inexpedient, and therefore likewise the just and the unjust.” And

these understandings are rooted in a “sense of good and evil” which only human beings possess. To avoid serious public speech about the good life and the good society is itself already to surrender a major dimension of the human good. It is this freedom in reciprocal dialogue that is one of the characteristics that distinguishes a community of solidarity from one marked by domination and repression.

Conversation and argument about the common good will not occur initially in the legislature or in the political sphere (narrowly conceived as the domain in which conflict of interest and power are adjudicated). Rather it will develop freely in those components of civil society that are the primary bearers of cultural meaning and value—universities, religious communities, the world of the arts, and serious journalism. It can occur wherever thoughtful men and women bring their beliefs on the meaning of the good life into intelligent and critical encounter with understandings of this good held by other peoples with other traditions. In short, it occurs wherever education about and serious inquiry into the meaning of the good life takes place.

Despite its abstractness, this virtue of intellectual solidarity has significant concrete implications. It means that universities should be places where real argument about the adequacy and the truth of diverse visions of the common good should be occurring. Religious communities are similarly challenged to dialogue with those of other faiths as they seek a common understanding of our life together. Much discussion of the public role of religion in recent political thought presupposes that religion is more likely to fan the flames of discord than to contribute to social concord. This is certainly true of some forms of religious belief, but hardly of all. Many religious communities recognize that their traditions are dynamic and that their understandings of God are not identical with the reality of God. Such communities have in the past and can in the future engage in the religious equivalent of intellectual solidarity, often called ecumenical or interreligious dialogue.

The virtue of solidarity also has a social dimension. A virtuous community of freedom must address not only the heights to which human culture can rise but also the depths of suffering into which societies can descend. There are strong currents in American life

today that insulate many of the privileged parts of civil society from the suffering that exists in other parts of the body politic. Though it is obvious that individuals and groups can never share the experience of all others, encouraging commitment to the common good nevertheless calls for new ways of overcoming this insularity in at least incremental ways. Here again, universities, churches, the arts, and journalism can play important roles in opening up avenues to enhanced social solidarity.

The impact of the growth of solidarity in civil society on the political sphere of government will be largely indirect. But its importance should not be underestimated. Expanding and deepening the consensus must continue if we are to confront the new forms of social interdependence that mark the late twentieth century. The virtues of solidarity and mutual responsibility among citizens are prerequisites for addressing this interdependence in a way that is both oriented to the common good and at the same time democratic. The conversation that can occur would broaden and deepen the level of consensus that they attain. A failure to act in accord with these virtues will shrink the common ground they share.

Mike Peters, *Dayton Daily News*, distributed by Tribune Media Services. Reprinted with permission.

Communitarianism in Germany

HANS JOAS

The U.S. debate on communitarian thought has reached Germany with considerable delay. During the 1980s it was only academic specialists who followed the debate about John Rawls's *Theory of Justice* and how it gave rise to the new term "communitarianism" for a group of critics of liberal individualism. Books by Robert Bellah, Alasdair MacIntyre, Charles Taylor, and Michael Walzer appeared in German translations, but they were not perceived as being in any sense connected to one another.

But in the 1990s, communitarian thought has made its entrance on the German scene. In 1990, accounts of a new intellectual movement in the United States became increasingly widespread. In 1991, the *Frankfurter Rundschau*, a traditionally social-democratic daily newspaper with left-wing readers in all parts of Germany, published a series of articles about communitarianism. (These articles were subsequently published as a book which contains an excellent survey of American publications in this field.) In 1992, the Frankfurt Academy of Sciences and the Arts organized a highly publicized international conference "Community and Justice" to which, in addition to German philosophers and social scientists, several North American thinkers (Seyla Benhabib, Richard Bernstein, Martha Nussbaum, and Charles Taylor) contributed.

Over the same period, two younger German philosophers, Axel Honneth and Wolfgang Kersting, published competent review articles on Rawls and his critics in 1991, and Honneth edited a collection in 1993 presenting translations of the most important philosophical articles. These publications received widespread attention even beyond academia. Leading politicians began to refer to communitarian ideas; the weekly magazine *Der Spiegel* reported about it in the spring of 1993. In March 1994 the leading conservative newspaper *Frank-*

furter Allgemeine Zeitung published the text of *The Responsive Communitarian Platform*. In the summer of 1994 an introduction to communitarianism was published, and a book-long discussion of the American debates followed in the fall. Clearly the communitarian debate has arrived in Germany.

THE IMPACT OF 1989

As with so many of the recent developments in Germany, political self-understanding has been significantly impacted by the fall of the Berlin Wall and the subsequent reunification of East and West Germany. But why did the events of 1989 produce such a widespread interest in communitarian ideas?

One reason stems from problems related to German reunification itself. A large part of the West German population had lost its emotional bonds to the Germans in the East. They had come to take pride in their being part of the Western world and its political and cultural traditions. When the East Germans, in the fall of 1989, turned the slogan “We are the people”—which had been the popular catchword against the authoritarian rule of communism—into “We are one people,” referring to German unity, most West Germans responded with mixed feelings. The victory of democracy in the East was clearly welcome, but reunification gave rise to fears about the costs and incalculable economic consequences of such a step and about new tendencies toward German hegemony in Europe. After reunification in October 1990 this debate gained additional momentum as the tension between an ethnically based “national identity” and a normatively based “constitutional patriotism” intensified, as did the need for a justification of the long-term economic sacrifices of the West German population. Understandably enough, after the horrible crimes of the Third Reich, terms like “national solidarity,” “the priority of the community,” and “sacrifice” had incredibly negative connotations in Germany; but, on the other hand, the feeling that the task of reunification could be solved through individualist liberalism became stronger. This prepared the soil for an interest in the U.S. communitarian approach as a “purification” (as Albert Hirschman would say) of the German tradition.

The second reason for the rise of communitarianism after 1989 concerns the more narrow world of intellectuals. Prior to the collapse

of the communist regimes there were very few West German admirers of communist rule. But most intellectuals interested in alternatives to the existing order nevertheless entertained a subliminal affinity to the communist tradition (which seemed to them to have deviated from an originally attractive path, although when this deviation took place remains a highly controversial question). Even the most anticommunist of the Social Democrats agreed with the Marxist emphasis on the state as the most important actor for social reforms.

The collapse of communism finally allowed for a new way of thinking. As soon as the utopian hopes for a social order different from Western democratic capitalism were abandoned, the debate between liberalism and communitarianism—or, as I would prefer to say, between individualist and communitarian liberalism—gained enormous interest. The question is no longer posed, as in Sombart's time, "Why is there no socialism in the United States?" It is now more appropriate to ask, "Why has liberalism—in both its individualist and its communitarian versions—been so weak in Germany?" And this question immediately leads to an interest in less state-centered and more community-oriented types of social action and social reform—of which U.S. history is so rich in examples.

Not all of the reasons for the rise of communitarian thought in Germany are linked to the events surrounding 1989. As the communitarian platform in the United States shows, communitarianism allows for the integration of diverse problems, such as the future of the welfare state (given present demographic and economic forecasts); the restructuring of the labor market (given high structural unemployment rates); the loss of loyalty toward political parties; and the destruction of traditional communities. Such a merging of issues appear in Germany before 1989 and has been exacerbated by the difficulties and repercussions of reunification. Communitarianism allows for an overarching and coherent analysis of many of these problems, which plague not only Germany but the rest of the industrialized world as well.

THE HURDLES FOR COMMUNITARIANISM IN GERMANY

While communitarian ideas have clearly made an entrance in Germany, their general acceptance in political and intellectual arenas

is far from assured. The acceptance of communitarianism in Germany will require clearing a number of significant hurdles.

First, as Wolfgang Fach states, “Whoever calls for more ‘community’ in Germany immediately comes under suspicion as being an old-fashioned fool or a sinister ideologist.” We must accept a simple reality: On the way toward a German version of communitarianism there is bound to be at least one huge stumbling block—the German history of the term “community.” The semantics of “community” in the United States are quite different from that of the term *Gemeinschaft* in Germany. Whereas “community” in the United States is—as Robert Bellah’s group observed in their interviews—“a kind of ‘very special word’ that always meant something good,” in postwar Germany the term became identified with its use in totalitarian propaganda. The Nazis had exalted *Volksgemeinschaft* (the emotional solidarity of a homogeneous nation without any guaranteed individual rights) in opposition to Western democracy, and the East German communist ruler Walter Ulbricht baptized the country behind the wall *sozialistische Menschengemeinschaft* (“socialist community of human beings”).

But a closer look at German intellectual history reveals that communitarian thought existed in Germany both prior to and separate from fascist traditions. In the early nineteenth century (in Friedrich Schleiermacher’s or Heinrich von Kleist’s work, for example) crucial ideas of the “communitarian” tradition in Germany were already present, but not expressed in a consistent way. The most important single author is Ferdinand Tönnies, whose book *Community and Society*, published in 1887, belongs with the classical texts of sociology. Although Tönnies could have done more to emphasize the role of the individual in his portrayal of “community,” he himself was never a proponent of cultural pessimism. In fact, he later joined the Social Democratic Party (SPD). Thus the identification of “communitarian” thinking with antidemocratic tendencies is an exaggeration and is historically unfair even in the German case.

The second significant feature of the German reception of communitarianism is its narrow focus on philosophy and on the debate about the justification for universalism in ethics. The debate is almost completely restricted to philosophical contributions. Major social-

scientific contributions—such as books by Amitai Etzioni, Alan Wolfe, and Robert Wuthnow—are generally ignored. For example, even the bibliography of Honneth’s collection does not contain them..

To regret this focus is not at all to depreciate the merits of the individual philosophers. The survey articles by Honneth and Kersting are highly competent. Honneth’s motive to study communitarian philosophy seems to stem from his attempt to move beyond the formalism of Habermas’s “discourse ethics.” For Honneth and others, communitarian thought offers a welcome opportunity to reformulate the Hegelian critique of Kant’s ethics in contemporary and more democratic terms. Kersting, on the other hand, in spite of situating communitarian philosophy in the Kant-Hegel debate as well, calls himself a “disappointed contractualist and consistent modernist.” He began with a more or less Rawlsian position and has moved closer to the communitarian position with every article.

Philosopher Karl-Otto Apel tries to incorporate communitarianism in his transcendental philosophy and ventures to speak of a “transcendental communitarianism.” In my own work, due to a long-standing interest in U.S. pragmatism, I perceive U.S. communitarianism as a new version of a reappearing tradition of *democratic* critiques of liberal individualism—the reason why I found pragmatism attractive in the first place. But while all of this influence is felt in the field of philosophy, the social sciences in Germany still remain quite unaffected by communitarian contributions.

The final significant feature of the German reception of the communitarian movement is the inadequate attention to the U.S. background of communitarian thought. With very few exceptions it is either completely neglected or described in very sweeping and often misleading terms: communitarianism as a new puritanism, as a new conservatism, as the bad conscience of yuppies, as a defense of rich countries against the “Third World,” and so on. These portrayals may make life easier for critics, but are clearly inadequate. We should not allow prejudices and cultural clichés to interfere with an understanding of how U.S. thinking applies to Germany, as happened in the case of the German reception of U.S. pragmatism.

An adequate understanding of the U.S. context in which communitarian thought has flourished also means understanding that com-

communitarian solutions best take root under certain conditions. It is easier to be a communitarian when a culture has strong traditions of community orientation, voluntarism, and democracy, such as in the United States. The weaker these traditions are and the more state-oriented and undemocratic a cultural tradition is, the more the emphasis must be on the strong points of the Kantian and Rawlsian tradition of political liberalism. By becoming more and more international, the communitarian movement could sensitize nations to their different traditions of “community” and, at the same time, produce a new universalism.

1/2 page ad

Community Journalism

ALICIA C. SHEPARD

Many newspaper editors and publishers feel that they and their communities are like an unhappily married couple. They are worried about the state of journalism. And many are gravitating toward the hottest secular religion in the news business—community journalism.

Inside the tent, preachers Davis “Buzz” Merritt Jr. and Jay Rosen warn that newspapers, communities, and democracy will die unless journalists and the public team up in a search for solutions to community woes. Dozens of editors like what Merritt and Rosen have to say and are joining the faithful. But some doubters are uneasy. They fear the movement poses a threat to traditional journalistic values.

The goal of community journalism, or public journalism, is to “reconnect” citizens with their newspapers, their communities, and the political process, with newspapers playing a role not unlike that of a community organizer. According to the gospel of public journalism, professional passivity is passé; activism is hot. Detachment is out; participation is in. Experts are no longer the quote-machines of choice; readers’ voices must be heard.

Community journalists are tired of not being allowed to care passionately about their communities and act on their convictions; they believe they have to play major roles in solving the problems of their cities, towns, and neighborhoods. “We are part of the community, so they’re our problems too,” says Marty Steffans, news manager for the Dayton Daily News.

The public journalism movement is sweeping through newsrooms from Bremerton, Washington to Charlotte, North Carolina. Television and radio stations are joining too. The nascent movement—heavily influenced by, but hardly limited to, Knight-Ridder papers—is still defining itself. That makes it hard to pin down

precisely what it is and harder to convert those who treasure the traditional approach to journalism.

So far its components include asking readers to help decide what the paper covers and how it covers it; becoming more of an active player and less of an observer; lobbying for change on the news pages; finding sources whose voices are often unheard; and, above all, dramatically strengthening the bonds between newspaper and community. At its heart is the assumption that a newspaper should act as a catalyst for change.

Newspapers such as the Wichita Eagle and Charlotte Observer have refocused their political coverage on the concerns of ordinary people rather than those of politicians, handlers, and spindoctors. Dayton Daily News and Minneapolis' Star Tribune have sponsored neighborhood roundtables in readers' homes. The Huntington Herald-Dispatch in West Virginia, the Boulder Daily Camera in Colorado, and the Daily Oklahoman have held town meetings or convened community discussions designed to solve stubborn social problems. The Wisconsin State Journal established a panel of community leaders to give feedback before stories were published.

One obstacle to grasping public journalism is the lack of an easy-to-understand user's manual. It's a movement fond of jargon that newspaper people traditionally scorn: connectivity, capacity building, values clarification. And the phenomenon comes in a wide variety of flavors. What's considered community journalism at the Wichita Eagle may be entirely different than what's happening at the Boston Globe or the Virginian Pilot & Ledger-Star in Norfolk—yet still part of the same movement.

“The most important thing we can say about public journalism is we're still inventing it,” says Rosen, a journalism professor at New York University. “There aren't any experts, really. We are making it up as we go along.”

To devotees of traditional journalism the movement causes discomfort—and skepticism. These “agnostics” remain outside of the Merritt and Rosen tent in protest. Isn't community journalism, they ask, what first-rate newspapers have been doing all along? Is today's version just a market-driven gimmick to boost circulation?

If readers are dictating what a paper should write, aren't journalists abrogating their responsibility? Shouldn't reporters be community chroniclers rather than boosters?

"My problem is that we're running around saying, 'Eureka, we've found it,'" says Eugene L. Roberts Jr., managing editor of the New York Times. "I'm not sure we ever lost it."

Adds Leonard Downie Jr., executive editor of the Washington Post: "No matter how strongly I feel about something that's going on out there, my job is not to try to influence the outcome. I just don't want to cross that line, no matter how well-meaning the reasoning might be for crossing it."

Despite the detractors, community journalism is gaining support among those eager to try unconventional approaches. "I think the movement is one of the most significant in American journalism in a long time," says Marvin Kalb, director of the Joan Shorenstein Center on the Press, Politics and Public Policy at Harvard University. "This is not a flash in the pan phenomenon. It's something that seems to be digging deeper roots into American journalism and ought to be examined very carefully."

WHEN JOURNALISM AND COMMUNITY CONNECT

The public journalism movement began somewhat earlier in Georgia, but its first prominent manifestation was born out of frustration over the 1988 presidential campaign coverage. Many believed the media had been transfixed by negative campaign tactics, obsessed with horse race coverage, and oblivious to issues that mattered to voters. "At the time of the '88 campaign, everyone felt they had been taken to the cleaners," says Kalb. "The people had become disconnected from the political process."

The Post's Downie thinks two other factors also have contributed to community journalism's growth spurt: a desire to boost circulation, and a desire, by editors uncomfortable with criticism, to increase their newspaper's popularity. "It appears that you are doing something good and then people will love you for it," says Downie. "I'm just not going to worry about being loved or not."

But Buzz Merritt, editor for 18 years of Knight-Ridder's Wichita Eagle, says he was most concerned about the disheartened political campaign of 1988. Barely half of the electorate voted; the last time that had happened was in 1924. But Merritt didn't blame the public; he blamed the media, and its preoccupation with charges and counter-charges and poll results.

"We did a number of things and in effect changed the campaign," Merritt recalls. "We abandoned neutrality in whether people should vote. We actively were getting people to register and urging them to vote"—through the news pages. (Other papers are making similar efforts. Oregonian editor Sandra Mims Rowe has said, "I'd rather increase voter turnout 10 percent than win a Pulitzer.")

The Voter Project, which the Eagle carried out in partnership with KAKE-TV, the local ABC affiliate, conducted surveys and focus groups to find out what readers thought the crucial issues were. It then tried to keep the candidates focused on them, downplaying charge-countercharge campaign rhetoric.

On six Sundays before election day, the paper gave in-depth treatment to the issues chosen by readers and outlined the candidates' positions on them. The paper produced reader-friendly voter guides and distributed them to subscribers and nonsubscribers alike. Says Managing Editor Steve Smith, "We had to train ourselves to be a little nasty" in forcing candidates to answer specific questions about real issues.

In the summer of 1992, the concept was expanded to the "People Project: Solving It Ourselves," an undertaking that sought solutions to government gridlock, family stress, crime, and poor education. "There were hundreds of voices in the 'People Project' (as it ran in the paper) and not a single expert or politician," says Merritt proudly.

The challenge was also to get beyond mere consciousness raising. Too often news operations focus attention on one problem, then move onto the next, leaving the follow-up to government officials and editorial writers. Public journalists, say Merritt and Rosen, must be willing to stay in the fray and act as facilitators and referees, although not necessarily as partisans.

The “People Project” not only focused on community ills but highlighted success stories and gave reams of information on how people could volunteer. While no one can definitely attribute it to the project, voluntarism in the schools rose by more than a third after the series, according to Merritt. And a survey indicated reader satisfaction with the Eagle jumped by more than 12 percent.

COMMUNITY JOURNALISM TAKES HOLD

Merritt, a 57-year-old Kansas editor, and Rosen, a 38-year-old New York professor, are considered the fathers of the public journalism movement. They met in 1991 at a seminar for journalists in New York City sponsored by the Kettering Foundation, which had asked Merritt to speak about the Voter Project. “Jay and I began to talk and we realized that we were all sort of thinking along the same lines about what ought to happen in journalism,” recalls Merritt.

Rosen heads the nonprofit Project on Public Life and the Press at New York University, which he created in September 1993 with a \$513,832 grant from the Knight Foundation to monitor experiments. And many are experimenting. Currently, 171 news organizations are working with Project on Public Life and the Press and 95 initiatives are under way, according to Lisa Austin, the project’s research director. They range from splashy “let’s fix our cities” projects to requiring staffers to talk to readers. In each case, community journalism experiments are tailored to the town.

At the Des Moines Register in 1993, reporters, photographers, artists, and editors were assigned to hold open-ended conversations about community concerns with at least four area residents. The results were used to design an opinion poll about major local issues.

Other community journalism initiatives:

- The Wisconsin State Journal in Madison and a local PBS station assembled citizens on “grand juries” and mock legislatures to deliberate a property tax plan, the national budget, gambling, and health care reform.
- The News Journal in Wilmington, Delaware teamed up with a Chamber of Commerce-sponsored think tank to hold a summit on the state’s economic problems. The paper con-

ducted five town meetings prior to the summit to hear readers' views, promoted the meetings, and helped pay for the summit. No one from the paper actually participated in the two-day event.

- Although not officially part of Rosen's movement, Gannett newspapers such as the News Journal have been going in the same direction under the company's News 2000 program, launched in June 1991 for Gannett's 82 dailies. That summer each paper conducted surveys and held town meetings and focus groups, hearing from more than 75,000 residents in Gannett communities about what they liked and disliked about the papers.

THE EAGLE SPREADS ITS WINGS

While public journalism means many things, one of the highest-profile examples is quite similar to the one sponsored by the Wichita Eagle. The Charlotte Observer, another Knight-Ridder paper, built on the Wichita experience and created an election coverage model in 1992 that many papers are now copying. Like the Eagle, the Observer abandoned horse race election coverage, concentrating instead on the issues that mattered most to voters.

In January 1992, then-editor Rich Oppel introduced the project on the front page. A week later, the paper ran an analysis of the agenda set by voters. The paper asked candidates to take specific stands on each of the issues selected by readers. When Democratic U.S. Senator Terry Sanford refused to explain his position on one issue, the paper printed white space under his picture. Sanford didn't let that happen again.

Asking readers' questions at press conferences was especially awkward for reporters. "Other reporters would turn around and look at them like 'What are you doing?'...when they would say: 'Mary Smith of Matthews would like to ask you this question,'" then-City Editor Rich Thames recalls.

Observer reporters at press conferences asked their own questions, too. But Thames, now an assistant managing editor, noted a qualitative difference. "The voter question would say: 'I work hard.

I can't get loans. What are you going to do for people like me?" says Thames. "A reporter wouldn't have asked that question."

DAYTON'S NEW COMMUNITY

Since 1992 Dayton, Ohio has been shaken by a series of murders by young people. In March 1994, an 11-year-old shot his two sisters, 3 and 5, killing the younger one.

The Cox-owned Dayton Daily News responded with an ambitious project on youth violence. "Kids in Chaos" was designed to solve the problem, with help from residents. The goal was to strengthen and support community efforts toward curbing the unprecedented violence, thereby saving Dayton's kids.

The project, run in conjunction with WHIO, the local CBS affiliate, began with more than 400 family roundtables where groups of six or more, lured by free pizza, discussed the problem. In May the paper began showcasing weekly stories about successful community efforts to help kids. It also cosponsored a conference for 120 local experts dealing with youth violence. But the experts won't dominate the series the paper plans to run, says Editor Steffans, who intends to use young voices more than those of adults. "We want the effort to be extremely personal,...to really show how juvenile violence affects our lives and our future," Steffans wrote.

The paper published an eight-day series on youth violence that relied heavily on information collected from teenagers and preteens. Included was a resource guide for worried parents.

The effort might have stopped there. But not this time, Steffans vows. Tucked inside the series was a 12-page tab designed to guide and provoke further discussion.

Steffans says the paper can cooperate with the community and still maintain its watchdog role. For instance, the Daily News worked with the police on the project, she says. "But if the police do something wrong, we'll come back at them with guns blazing. They know that."

OLD NEWS?

Turning over the editorial page to the community may be new (although columns by nonjournalists are increasingly prevalent on

the nation's op-ed pages). But are focus groups, surveys, and asking community residents what they care about revolutionary techniques?

Comments the Post's Downie, "I hope I've been practicing public journalism for the 30 years I've been in the business." While Downie applauds using focus groups and surveys, he is adamantly opposed to any kind of public participation by journalists. Even with his city in deep trouble, he says his job is to do nothing except tell readers what is happening. "We've got a terrible fiscal problem in the District and we cover the hell out of it," he says. "But we don't want our coverage to tell people how they should deal with it. That's up to the voters and the Congress and the city council and the mayor."

Gene Roberts of the Times, who's also wary of the movement, may in a sense have been a pioneer public journalist. That makes him wonder if the movement isn't using smoke and mirrors to hype what's been going on for decades.

In the mid-1950s, Roberts was a reporter for the Goldsboro News-Argus in North Carolina. The paper recognized that farmers were too dependent on tobacco and needed to find other ways to make a living. Week after week, Roberts found and wrote about farmers who were making it without relying on tobacco.

Such success stories are now cited by public journalists as important ways for newspapers to "connect" with the community. "I thought that was a legitimate role for a newspaper and still think that way," says Roberts, former executive editor of the Philadelphia Inquirer and now on leave from the University of Maryland College of Journalism. "But we were careful not to get in or usurp the political process."

Skeptics worry that community journalists will get too deeply involved in that process to remain balanced in their reporting. Kalb commented, "A journalist who becomes an actor, in my view, is overstepping the bounds of his traditional responsibility. When the journalist literally organizes the change and then covers it, I'm uncertain about such traditional qualities as detachment, objectivity, toughness....The whole point of American journalism has always been detachment from authority so that critical analysis is possible."

CONFLICT OF INTEREST

What happened at Scripps Howard's Bremerton Sun in Washington would certainly give the critics pause. In October 1991, angry citizens fought off an effort by developers to buy 600 acres of forest. They wanted the county commission to buy the land, but there was no money.

Mike Phillips, editor of the 40,000-circulation paper, did what editors do. He wrote an editorial saying that if preservation was important, the money had to be found. The day the editorial appeared he received numerous calls from residents asking him to do something. Along with a local realtor and banker, Phillips persuaded Kitsap County commissioners to sponsor a meeting. Afterward, with the Sun driving the effort, a citizen-education organization was formed to figure out how to save the open space.

The Sun called for volunteers and arranged for training so they could host meetings to decide which parcels of land should be preserved. In all, 47 meetings were held and 1,500 people participated. "The Sun provided background and other workshop materials, published the citizen plan in a 24-page special section, and conducted two telephone polls," according to a summary by the Project on Public Life and the Press.

County commissioners responded. They put a \$70 million bond issue on the ballot in September 1992. It failed, but the citizens' group began a nonprofit advocacy organization that tries to keep open space issues on the public agenda. Phillips is no longer involved.

As the process unfolded, a Sun reporter was put in the strange position of having to cover a campaign sponsored by her own paper. Phillips says the reporter didn't have trouble writing about her boss and that he encouraged stories about opposition to the plan. (The reporter, Julie McCormick, declines to discuss the campaign.) According to the summary of the project, Phillips concedes that he, the banker, and the real estate agent openly used their power to pressure the county commission into taking action.

"I worried that we were going too far," Phillips says. "So did my staff....But they realize we are trying very hard here to walk the line and stay on the right side of it. But we are willing to walk the line."

To some, such an approach seems perilously close to the bad old days, when powerful figures like William Randolph Hearst used their newspapers to promote pet causes and candidates.

“I know newspapers will tell you they are only going out to develop a civic culture, to get people involved,” says Newsday’s Howard Schneider. “But inevitably once a newspaper gets identified as a particular advocate for a position, the dangers are self-evident. Once you lose your credibility and your ability to speak with authoritativeness, you’re losing everything.”

Critics, too, are wary of substituting the judgments of community leaders for those of editors. In making editorial decisions based on referenda, newspapers are merely feeding readers what they want to read and not necessarily what they need to know. John Bare, writing in the *Media Studies Journal*, noted that courageous editors are often lonely voices on sensitive issues like sexual mores or race.

“Two decades ago, outspoken newspaper editors in the South who denounced Jim Crow and endorsed civil rights were hated in their communities,” wrote Bare, a doctoral student in journalism at the University of North Carolina. “Speaking out against racism was a noble but dangerous tactic, yet the progressive writings of these editors eventually helped bring about change. If those editors had established their news agenda by survey research, however, they certainly would have found that citizens wanted something else.”

Young reporters tend to be the least receptive, says Merritt. Many would rather be saying “gotcha” to a crooked mayor than helping to forge a consensus. “Generally speaking, the more veteran people understand it,” says Merritt. “The older people know what we are doing now is not working.”

A positive public journalism experience often overcomes resistance and erases doubts, say devotees. But the concept can be frightening: “I envisioned having deep, meaningful conversations and nothing available for tomorrow’s paper,” says Steve Brook, news editor of the *State* in Columbia, South Carolina.

Whether community journalism will be successful—and radically change journalism—is tough to measure.

“In the short term, we’re not going to solve all these problems,” Merritt says. “This has to do with the long term. The way we do business can be changed if enough people understand public journalism.”

“There must,” he adds, “be a purpose in what they do beyond telling the news.”

Drawing by Frank Cotham: ©1993 Cotham

Bridging Psychotherapy and Moral Responsibility

WILLIAM DOHERTY

I remember clearly the moment when I could no longer escape the moral dimension of my work as a therapist. I was meeting with Bruce, a 40-year-old man whose wife, Elaine, had just ended their marriage. Bruce returned from work one day to find that Elaine had tossed his belongings into his car and changed the locks on the house. Overwhelmed and depressed, Bruce came to see me for therapy. He told me he couldn't bear the thought of going back to his house to pick up his children, three-year-old Karen and six-year-old Scott, for a visit. Tearfully, he said that he could not face Elaine after what she had done to him, although he still loved her and wanted to salvage their marriage. And even worse than seeing her was the prospect of returning alone to his small apartment after bringing the children back to their mother.

The more Bruce talked, the more he began to sprinkle in comments such as, "Maybe the kids would be better off if I just stayed away" and "I think I might need a complete break; maybe I should just pack up and move far away." In fact, a few years earlier Bruce had lost contact with a child he had fathered with a woman he did not marry. I felt dismayed when he talked about abandoning his children, but unfortunately the most challenging statements from the traditional therapy paradigm I could offer a client like Bruce would be something like, "I wonder if you have considered the regret you will feel if you take yourself out of your children's lives," or "You may not be in a healthy enough frame of mind right now to make long-term decisions."

Now there is nothing wrong with these statements; I used them in my work with Bruce. But in this case they seemed inadequate. So I also decided to do something decidedly nontraditional—I chal-

lenged him in explicitly moral terms. After listening at length to his pain over the end of his marriage, I gently but forcefully told him that I was concerned that his children would be damaged if he abandoned them. His reply—"I'm worried about that too, but what kind of father will I be if I am an emotional wreck?"—gave me an opening to continue on the track of moral discourse.

Throughout the conversation that ensued I emphasized how important he was to them, even if he didn't think so and even if he was not emotionally at his best. I told him I could certainly understand that he might need a short time-out to collect himself before going back to his old house and facing Elaine again. But he was irreplaceable to his children, and, in my judgment, they would carry a lifelong emotional burden if he simply disappeared from their lives. Finally, I reminded him that his children were not responsible for the marital breakup, and that it simply was not fair that they should be its casualties. I made these points not in the form of a lecture but as perspectives and opinions I offered as the conversation unfolded and Bruce pondered his course of action.

I am not the first therapist to respond this way to clients in a similar situation. Yet I was struck by how little clinical training I had received on the moral issues I was confronting with Bruce—and I had very good teachers. What mainstream theory of psychotherapy could I look to for support? Like many others, I was trained to avoid "should"-ing my clients, to never inflict the language of "ought" on them. I had been socialized into a therapy profession that by the 1970s had developed the firm conviction that "shoulds" entrap people into living life for someone else. According to this school of thought, the only authentic life is one based on heeding the dictates of "I want."

PSYCHOTHERAPY: A PUBLIC CRISIS

This lack of a moral language has created a broad crisis for psychotherapy in the United States. The crisis is not about whether people see psychotherapy as beneficial; over one-third of all American adults have opted to see a therapist or counselor at some point in their lives, and polls suggest that most Americans think psychotherapy for personal problems is helpful. Rather the crisis is over whether psychotherapy can speak to the profound social and moral

problems of our day, or whether therapists are simply making these problems worse by justifying the contemporary flight from personal responsibility, moral accountability, and participatory community.

One sign of public disenchantment with psychotherapists came at the highly publicized *Woody Allen v. Mia Farrow* child custody court proceedings. A prominent issue was Allen's fitness as a parent, given his secret affair with Farrow's 19-year-old daughter. As in most child custody disputes, no one came out unscathed, least of all the therapists who testified as expert witnesses. When questioned about whether they thought it was wrong for Allen to have a secret affair with his lover's daughter, who was also the stepsister of his own children, the therapists all demurred from making evaluative judgments. They used language reminiscent of the Watergate hearings: Mr. Allen "may have made an error in judgment," "a mistake given the circumstances," and—my personal favorite—the situation was a reflection of "the postmodern family." Finally, in a moment of exasperation after trying unsuccessfully to get any expert witness to break out of morally neutral therapeutic discourse, the judge angrily cut one off with these words:

I find it extraordinary the words that therapists use who come here, and they can say "bad judgment" or "lack of judgment." But isn't there something stronger? You went through the "postmodern structure of the family" and types of relationships. We're not at the point of sleeping with our children's sisters. What does it mean?

The expert witnesses were neither fools nor incompetents; rather they were well-regarded psychologists, psychiatrists, and marriage and family therapists. But they were caught in the web of psychotherapeutic discourse which has been stripped clean of moral barnacles such as should, owe, ought, responsibility, obligation, and right and wrong. If they had answered the judge's question in moral terms, the expert witnesses would have risked sounding unprofessional and therefore not like experts—a double bind that made me grateful that I was not in their position. The incredulous judge, like the numerous newspaper columnists who made similar points, represented the average citizen who believes that moral considerations are still important in understanding and evaluating human behavior.

The U.S. public in the mid-1990s then became preoccupied with criminal trials involving the murder of parents and the mutilation of a spouse, again the kinds of behavior that many people think have something to do with morality. The Menendez brothers admitted to killing their parents after years of what they claimed was physical and sexual abuse by their father. Lorena Bobbitt admitted that she had cut off her husband's penis while he slept, justifying her behavior by pointing to the years of abuse she had suffered from him. In both trials the testimony of mental health professionals was key to the defense, with the results being a hung jury in the Menendez case and acquittal in the Bobbitt case. On the positive side, these outcomes reflected greater contemporary understanding of the effects of physical and sexual abuse, problems previously thought to be rare or only temporarily traumatizing. But many people, as reflected in editorial writing and radio talk show discussions, expressed concern that the idea of taking personal responsibility for one's actions is vanishing from the public arena, and that therapists have become magicians who can make moral sensibilities vanish under a veil of psychological rhetoric.

This critique of psychotherapy might be dismissed as a byproduct of a debased popular culture, except that trenchant commentaries have emerged in sociological and philosophical circles as well. Two of the most prominent philosophers in the world, Alasdair MacIntyre and Jürgen Habermas, have each raised concerns about the implications of the "therapeutic culture" on contemporary mores and morality. Both implicate psychotherapy in the decline of family and community in the Western world. Similar critiques have been made by social scientists and social critics such as Philip Rieff, Robert Bellah, Christopher Lasch, Michael Lerner, and Michael and Lise Wallach.

Even those who generally appreciate what therapists have done for them increasingly believe that when it comes to public discussions about moral responsibility and accountability, therapists tend to engage in psychobabble rather than straight talk. Columnist Ellen Goodman, normally a friend of psychological sensitivity, has had enough. Reflecting on the Woody Allen affair, she wrote:

I rarely side with people who want to put good and evil stickers on every piece of human behavior....But there are times...when I wonder whether our adoption of Shrink-ese as a second language, the move from religious phrases of

judgment to secular words of acceptance, hasn't also produced a moral lobotomy. In the reluctance, the aversion to being judgmental, are we disabled from making any judgments at all?

In response to such criticisms, therapists can either howl about being misunderstood and unappreciated, or we can begin a painful reexamination of our contributions to contemporary social problems and to our own predicament. Most of us like to see ourselves as part of the solution to human problems—albeit limited by our own abilities and by external forces—and certainly not as part of the problem. It is easier to see oneself as aiding the casualties of a heartless and fragmented society whose villains are easy to identify: greedy capitalists, self-serving politicians, and repressive religious groups. But the problems in contemporary society are too grave for therapists to circle the wagons and point our weapons outward.

The fact is that therapists since the time of Freud have promoted an unbalanced emphasis on individual self-interest without enough emphasis on responsibilities to family and community. In response, this essay calls for the inclusion of moral discourse in the practice of psychotherapy, and for the cultivation in therapists of the virtues and skills needed to be moral consultants to their clients in a pluralistic and morally opaque world. Issues of moral responsibility and community well-being are always present in therapy, and carefully balanced attention to these domains can greatly expand the contribution of psychotherapy to the alleviation of human problems.

THE EXCESSES OF “EXPRESSIVE INDIVIDUALISM”

Psychotherapy can be viewed as one of a number of factors that have fostered a culture of individualism. In the 1985 book *Habits of the Heart* by Robert Bellah et al., the authors placed psychotherapy at the center of the growing hegemony of individual self-interest in U.S. society. They argued that most psychotherapists unwittingly promote a form of “expressive individualism,” which is the cousin of “utilitarian individualism.” Utilitarian individualism is the idea that if individuals are free to pursue their private economic self-interest, society as a whole will benefit. In expressive individualism, the same logic holds for emotional well-being: We should each focus on ourselves because personal psychological well-being inevitably leads

to family and community well-being. At its crudest, expressive individualism is a psychological form of trickle-down economics in which responsibilities to others are assumed inevitably to result from responsibility to self.

Sociologist Philip Rieff gave a prophetic treatment of these issues in two important books published in the 1960s: *Freud: The Mind of the Moralist* and *The Triumph of the Therapeutic*. Rieff posited that four “character ideals” have successively dominated Western civilization: 1) the Political Man of classical antiquity (I retain Rieff’s pre-feminist language); 2) the Religious Man (from Judaism and Christianity until the Enlightenment); 3) the Economic Man (from the Enlightenment through the early twentieth century); and now 4) the Psychological Man, whose goal is self-satisfaction and personal insight in order to master “the last enemy—his personality.” Beginning with Freud, according to Rieff, “the best spirits of the 20th century have thus expressed their conviction that...the new center, which can be held even as communities disintegrate, is the self.” As the “therapeutic” increasingly supplants religion as the accepted guide for human conduct, the psychotherapist becomes the *de facto* moral teacher in contemporary U.S. society.

The problem with the therapist being seen as a moral teacher, of course, is that therapists have done their best to stay out of the morality business. A cornerstone of all the mainstream models of psychotherapy since Freud has been the substitution of scientific and clinical ideas for moral ideas. Freud put moral conscience in the superego, an oftentimes tyrannical, if necessary, bearer of the traditional morality of one’s culture. Freud took morality outside the core personality (the ego) and outside of psychological treatment, and therapists have not put it back in either place since. The result has been a reflexive morality of individual self-fulfillment, with relational and community commitments seen as means to the end of personal well-being. These commitments should be maintained while they work for us and discarded when they do not. Two quotes, the first an often-quoted Gestalt therapy “prayer” penned by Fritz Perls in the 1960s, and the second from the popular writer Gail Sheehy’s 1970s best-selling book on midlife transitions, illustrate this ideology, whose legacy is still with us:

I do my thing, and you do your thing.
I am not in this world to live up to your expectations,
And you are not in this world to live up to mine.
You are you and I am I,
And if by chance we find each other, it's beautiful.
If not, it can't be helped.

You can't take everything with you when you leave on the midlife journey. You are moving away. Away from institutional claims and other people's agenda. Away from external valuations and accreditations, in search of an inner validation. You are moving out of roles and into the self. If I could give everyone a gift for the send-off on this journey, it would be a tent. A tent for tentativeness. The gift of portable roots....For each of us there is the opportunity to emerge reborn, *authentically* unique, with an enlarged capacity to love ourselves and embrace others....The delights of self-discovery are always available. Though loved ones move in and out of our lives, the capacity to love remains.

When I read these quotes for the first time in the mid-1970s, I admired their vision and boldness. In the mid-1990s I am appalled at their one-sidedness. I have seen too many parents "move on" from their children, too many spouses discard a marriage when an attractive alternative emerged, and too much avoidance of social responsibility under the rubric of "it's not my thing." There is now a widespread reevaluation of the fruits of unfettered self-interest at both the psychosocial and economic levels. Some of the reevaluation comes in the form of a rhetoric of return to an earlier era in which community traditions marginalized women and minority groups, when the pursuit of self-interest (mostly economic) was the privilege of a subset of white men. But there are many progressive voices of reevaluation who appreciate what the ideals of personal freedom and the pursuit of happiness have contributed to the modern world, who see the struggle for freedom and equality as in fact still unfinished, but who nevertheless believe that mainstream American culture is badly out of balance between private gain (both economic and psychological) and communitarian values and responsibilities.

HISTORICAL PERSPECTIVE

A look at the historical development of psychotherapy can help explain the absence of a moral language. For the first six decades or so of psychotherapy's history, therapists could depend on most clients coming to therapy with a clear, albeit too rigid and unintegrated, sense of moral responsibility. For example, many people suffered from guilt and inhibitions about feelings and behaviors that were entirely human and not harmful to anyone (masturbation comes to mind). In another case, a married client considering a divorce could be counted on to have internalized the social stigma about divorce and the moral mandate to remain married until death; the therapist might then help the client to see that personal happiness is indeed a legitimate consideration in the decision to stay or leave, and that traditional notions of commitment do not necessarily require prolonged suffering for both parties in order to maintain a deadly marriage. In a world where therapists saw most people as oppressed by cultural norms dressed up as moral principles, psychotherapists could see themselves as agents of emancipation. The clients came with unexamined but powerful moral codes, and the therapists helped them deconstruct these codes and make their own decisions. The moral rules of conventional society could be counted on to provide the scaffolding upon which the client could rebuild a more authentic life.

By the 1990s, however, whatever served as the moral center of mainstream culture seems not to be holding. Massive cheating in the business world and in military academies, unprecedented levels of crime and violence, shocking reports of physical and sexual abuse in families, widespread abandonment of children by their fathers after divorce (or when there was never a marriage)—and the justification of each by appeals to personal entitlement, doing one's own thing, or victimization—are examples of trends that undermine any concern that most contemporary Americans have overlearned a rigidly conventional morality that they must be liberated from by an army of psychotherapists.

James Q. Wilson, a public policy scholar, sums up this point when he describes the context of Freud and other pioneering intellectuals and artists who rejected conventional morality for a life pursuing self-

knowledge and self-expression: “[They] could take the product of a strong family life...for granted and get on with the task of liberating individuals from stuffy conventions, myopic religion, and political error.” But, like contemporary psychotherapists, these avant-garde leaders were borrowing on what Wilson terms the “moral capital” of past decades and centuries. After 100 years, the moral capital is depleted and therapists no longer need to see themselves primarily as agents of liberation from an ethic of blind self-sacrifice and inauthenticity. At the cultural level, that battle has been largely won, but the fruits of victory are not as sweet as many of us imagined. Even Rollo May, whose early writings were powerful indictments of living by conventional social roles and obligations, has reevaluated the role of psychotherapy in the 1990s:

We in America have become a society devoted to the individual self. The danger is that psychotherapy becomes a self-concern, fitting...a new kind of client...the narcissistic personality....We have made of therapy a new kind of cult, a method in which we hire someone to act as a guide to our successes and happiness. Rarely does one speak of duty to one’s society—almost everyone undergoing therapy is concerned with individual gain, and the psychotherapist is hired to assist in this endeavor.

I don’t want to overstate this case, however. There are still people who have not gotten the message that they have a legitimate claim on selfhood. Women in particular have been given cultural permission to pursue personal autonomy only in the last few decades, whereas men have had such permission for much longer. There are important implications of these gender differences for therapists. There are abused women who, bound by a Gordian knot of obligation and sometimes distorted religious beliefs, need a strong message that they have the right to be free of a destructive marriage. There are mothers who have learned to put everyone’s needs before their own, and who must learn to nurture themselves as well as others. But the answer for these individuals is not a therapy that tries to turn them inward to the exclusion of their interpersonal commitments, but a therapy that honors their sense of relational responsibility while at the same time helps them to find a way to manage both parts of the Golden Rule: Love others as you love yourself.

CHANGING TRADITIONAL PSYCHOTHERAPY

The situation with my client Bruce helps illustrate many of the tensions surrounding morality and psychotherapy. To some therapists my pronouncements to Bruce about parental commitment no doubt appear strikingly moralistic, but I wanted to make two things very clear to him: I was not neutral on his decision about staying committed to his children, and I was giving priority to his children's long-term needs over his short-term distress. Bruce, with whom I established a bond of real trust, quickly grasped my point, and moved from whether to stay involved to how to accomplish it. In the end he remained a committed father to Karen and Scott, and later reconnected with the child from his previous relationship.

When I describe this case to my colleagues, some point out that I could have obtained the same result—Bruce staying involved with his children—by appealing to his self-interest and emphasizing the guilt and remorse he would eventually feel if he abandoned them. I did, in fact, use these appeals because I think they are valid: Parents' relationships with their children can be deeply rewarding; when a parent abandons a child it is not only the child who is damaged. However, in dealing with moral decisions I think it is generally a mistake to appeal only to a client's self-interest, even if that appeal "works," because the ethic of personal gain that we thus promote erodes the quality of our clients' lives and ultimately the quality of community life.

I am not saying that being concerned with clients' immediate needs is an invalid therapeutic concern; but I am arguing that when it becomes our *only* consideration, therapy lacks moral and human depth, and therapists end up promoting trickle-down psychological economics.

The avoidance of explicit moral considerations has also left therapists vulnerable to an implicit moral pedagogy in our work and our writings. Feminists have shown that if therapists don't have a clearly formulated value system regarding gender relations, they will enforce traditional gender norms in therapy. The same is true for other value issues: *If you don't have a coherent framework of moral beliefs, you will inevitably fall back on good, old-fashioned American individualism—which is, in fact, a far more influential cultural legacy than either Mom or apple pie.*

At the same time, it is crucial for therapists to make the distinction between personal values and moral convictions. Emotional intimacy, based on mutual self-disclosure, is another of my personal values, but I don't pursue it when clients let me know that they are quite content to go through life without a lot of what I might consider "depth" in their relationships. On the other hand, I consider commitment the moral linchpin of family relationships. It is more than a private, idiosyncratic value that I can choose whether or not to promote in therapy. To have professional integrity, I believe I must bring this moral value to bear in my therapy and in my teaching and supervision. To treat commitment otherwise is to play into the very style of thinking that initially led Bruce to consider giving up his kids: Commitment to one's children is just one of a number of competing personal values to be weighed in a values hierarchy of one's choosing.

THErapy: A LOGICAL PLACE FOR MORAL REFLECTION

Psychotherapy is an ideal moral laboratory because most moral reflection involves, not abstract principles, but moral sensibilities that become worked out through dialogue with others. Moral issues, in the final analysis, are not so dissimilar to other life issues that are addressed in psychotherapy. Therapists help clients to better understand themselves and other people, and to be good to themselves and to other people, but they traditionally steer clients away from moral language to describe their experience and their choices. They need to do so.

Psychotherapy, at its best, can be a profoundly humanizing experience that increases our moral capacity. The *explicit* discussion of moral issues occurs—in everyday life and in therapy—not necessarily all the time, but at special moments. Using examples such as times of marriage, death, political crisis, and abortion, Sociologist Alan Wolfe describes these moral punctuations of everyday life:

Morality matters most during certain highlighted moments in the life course....These bracketed moments make it possible for people to give account for what they are doing by reflecting on the moral consequences of their actions. The social bond is reinforced through the kinds of symbols and rituals associated with such moments of moral intensity.

In order to engage in moral consultation, therapists do not have to dictate moral rules or claim to have all the answers. Rather, as Alan Wolfe described the role of the social scientist when dealing with morality, the therapist's role is to try "to locate a sense of moral obligation in common sense, ordinary emotions, and everyday life...to help individuals discover and apply for themselves the moral rules they already, as social beings, possess." More than anything else, I appeal to therapists to let these fundamental elements of human experience enter the therapeutic dialogue as legitimate areas of exploration and conviction, as opposed to being avoided or denigrated in the name of clinical sophistication.

Therapists inevitably influence our clients' behavior and moral thinking; we have done it for a century in the form of promoting the morality of self-interest. The crucial issue is how respectful and responsible we are with our influence.

Therapists are privileged to be with people at moments of personal and moral intensity in their lives. In the past, we could naively believe that we were not moral consultants and moral learners in these "bracketed moments," that we could keep our hands clean of the moral residue of clients' decisions, and that we could escape indefinitely from the responsibility to define ourselves morally in our professional roles to our clients, our colleagues, and our communities.

We can no longer hide behind the wizard's veil of clinical objectivity and moral neutrality. The culture that we helped to shape for a hundred years is in crisis, partly because people believed what we told them about the good life. But there is room for hope. Psychotherapy has the resources to contribute to the formation of a new cultural ideal, one in which personal fulfillment is seen as part of a seamless web of interpersonal and community bonds. This ideal would reflect an understanding that these bonds nurture us and create for us obligations which we cannot ignore and still be human. Psychotherapy must acknowledge and reflect the significance of these bonds if it is to continue to serve humanity.

full page ad

Looking for Community on the Internet

EVAN SCHWARTZ

Can a truly vibrant community exist in cyberspace? Can a bunch of individuals at isolated computer stations achieve warmth, caring, and a shared set of values? Is the Internet becoming a pipeline for surrogate communities in an age of technological omnipresence?

Community is not the image of the Internet promoted by government or industry. If you ask the telecommunications giants and media conglomerates racing to build the infotainment pipeline of the future, they point to a world of interconnected business people, students, e-mailers, and government workers, all operating with breakneck efficiency and without leaving their desks. But this image might have little meaning for the numberless millions of actual Internet users, who might have a starkly different collective vision for tomorrow's advanced communications technologies. In *The Virtual Community*, author Howard Rheingold dismisses the now popular notion that the public demands a great stream of interactive entertainment and information. What the people really want, he argues, is a chance to form meaningful relationships with their far-flung neighbors in the global village. Dale Dougherty, publisher of the *Global Network Navigator*, an electronic magazine on the Internet, agrees. The Internet, he says, is filling a deep need: "We want a feeling of connectedness, of having things in common."

The "Net" is an amalgam of electronic bulletin boards, on-line information services, and computer conference sessions—all connected by the same global telecommunications networks to which our phones are attached. Linking about 20 million people in 100 countries, the U.S. government-subsidized Internet originated in the Department of Defense in the 1960s and expanded into elite corporate labs in the 1970s, into American universities in the 1980s, and finally right into many living rooms in the early 1990s. For now, communication

is mainly confined to written text, but that is changing as the Net gains the ability to handle voice, video, and other multimedia information. Already some cable companies are providing Internet linkups, and there will soon come a day when people with cheap digital video cameras can transmit their footage to the masses.

The virtual community idea approximates much more closely the real Internet than does the popular metaphor of a superhighway running into people's living rooms. The Internet is a spirited web of conversation that you can weave yourself into by tapping on your personal computer's keyboard and powering up your modem. A virtual community, according to Rheingold, is a group of people who have in all likelihood never met face to face, but who enjoy spending time in cyberspace with one another debating politics, discussing their hobbies, conducting business, spilling their guts, or just flirting and playing games with one another.

Rheingold's book provides a tour of the Internet—a tour that begins from inside the specific virtual community to which Rheingold belongs. Based in San Francisco and known as the WELL (for Whole Earth 'Lectronic Link), Rheingold's local virtual community began in 1985 as an experiment. The idea was to give people access to new tools for group communication, letting them decide on their own how it should all be used.

Not surprisingly, the WELL has experienced its greatest growth as a forum for discussing the Grateful Dead. But significantly, the Deadheads on the WELL translate their on-line interactions into face-to-face meetings. Occasionally the Deadheads and other interest groups hold picnics or concerts. For the most part, the Internet acts as a social leveler: Once on-line, no one can tell if you're black or white, old or young, male or female, sick or well. Perhaps most important, no one can tell how unattractive you are—looks have never played a smaller role in human affairs than they do on the Net.

For Rheingold, the WELL is a place to discuss the joys and problems associated with raising kids. One time, when his daughter got a tick caught in her scalp, he sat down at his PC, typed in his question, and learned from an on-line fellow named Flash Gordon, M.D. exactly how to remove it. The tick was gone by the time a real pediatrician returned a phone call from the author's wife.

Another bulletin board, Baud Town, also emphasizes community by building itself around the analogy of a town, complete with social norms. New joiners receive a lengthy etiquette message explaining that the bulletin-board community allows no X-rated discussion groups, nor messages in capital letters (the latter are the equivalent of shouting on-line). The bulletin board community even has its own "Neighborhood Watch," in which users police one another against abuse of the system. All of these efforts help to reduce anonymous harassment on-line and make for a safer electronic community.

The "citizens" of Baud Town have created an environment in which they give and receive support. Users receive comforting messages from fellow users during difficult times, such as divorce, illness, or death in their families. Much like WELL users, Baud Townies "date" on-line, taking advantage of the low-pressure atmosphere of the Internet that allows users to get to know each other's personality before meeting in person.

The Net's capacity to function as a vehicle for community lies in the differences between it and all previous communications media. While telephones are primarily a one-to-one medium and television a few-to-many medium, the hypergrowth of the Net marks the beginning of many-to-many communication. Greater possibilities lie just over the horizon. In two years, one expert predicts, there will be more users on the Net than there are people living in California. Within five years, the on-line populace will exceed the number of citizens of any single country except India or China. With the Net's ability to transcend time zones and national boundaries, it could contribute to greater understanding between cultures. On the other hand, the free-flowing dialogue could bring on social upheaval, especially in places like Japan, where communication with outside cultures is tightly controlled by the powers that be.

Like physical communities, virtual communities can exert strong pressure on members to conform to behavioral norms and conventions. In April a pair of lawyers in Phoenix, Arizona placed an ad for legal services on the Internet. (Noncommercialization of the Internet is one of the cardinal, if unofficial, rules of the Net.) In response to this transgression, users from around the world "flamed" the couple with

30,000 hostile messages. The barrage, according to the *Phoenix Gazette*, caused the local Internet node, Internet Direct, to overload and temporarily shut down. Internet Direct posted apologies for the ad and suspended the lawyers' access to the system. Internet Direct systems administrator Geoff Wheelhouse told the *Gazette*, "[The incident] has given us a bad reputation." Most actual communities work no more effectively.

The United States might be poised to benefit most from virtual communities. Since the convivial atmosphere that still exists in Italian piazzas and Parisian bistros has largely died in the United States, Americans hunger for a new way to connect with each other. One of Rheingold's sources attributes the decline of public meeting spaces in the United States to the nation's "suburbanized, urban-decayed, paved, and malled environment." Others attribute the breakdown of intelligent public discourse to the fact that "the public sphere," particularly the airwaves, have been commoditized and sold off to media moguls and advertisers. The Internet, by contrast, still has a chance to be run by and for the grassroots.

Internet enthusiasts sometimes see virtual community as a panacea for all sorts of social ills. They go a bit far, for example, when they hold out the possibility that the Net could be a forum for electronic democracy. The people conversing on the Internet and other on-line services are by and large not a bunch of civic leaders. The untamed, freewheeling nature of cyberspace means that it's often filled with every skinhead, Trekkie, religious zealot, and Limbaugh-wannabe with a new theory on how the world should work. The Net is not, at least not yet, much of a town hall meeting.

But cyberspace community is by no means irrelevant to democracy and citizenship. Because it is not centrally controlled, the Internet is a regular proving ground for the First Amendment. The "alt.sex.pictures" bulletin board, for example, was once based on a Texas computer. When local authorities began a crackdown, however, the operators of the service moved it to a computer in Finland literally overnight, causing an instant surge in network traffic to that part of the world. At the same time, on bulletin boards and Internet conferences, the faithful can quietly discuss theology and the Bible. There are boards for every imaginable subject and interest group: sex

and substance abuse, veterans, vegetarians, lesbians, animal rights activists, and even one for fat people (it's called the Big Board).

The question is how real these communities actually are and to what extent they really fill the needs of more traditional communities. The answer isn't entirely clear. The Net is uncharted territory both for individuals and for communities. "It's like a boomtown in the old West," says Dougherty. "The rules aren't written yet. With TV, people are controlling you. Here you are on your own."

Even Net enthusiasts acknowledge that cyberspace may never be a replacement for true communities. Rheingold, who is clearly caught up in channeling virtual communities as a force for good, expresses openly his reservations about the Net as a surrogate community: "Perhaps cyberspace is precisely the *wrong* place to look for the rebirth of community...offering a life-denying simulacrum of real passion and true commitment to one another." And he asks, "If a lonely person chooses to spend many hours a day in an imaginary society, typing witticisms with strangers on other continents, is that good or bad?"

The key word in the cyberspace community lexicon is "virtual." Like an elaborate, electronic flight simulator, the technology is breathtaking and the simulation appears perfect. Only when the users find themselves in the cockpits of real airplanes (or in the midst of real communities) do they realize how limiting "virtual" can really be. Still, for many people, the choice seems to be between a very good simulation of community and no community at all; that choice makes virtual community look attractive indeed.

FIGHTING FIRES FOR THE COMMON GOOD

<i>Approximate number of firefighters in the United States:</i>	<i>1.5 million</i>
<i>Percentage of those firefighters who are volunteers:</i>	<i>85 percent</i>

Source: National Volunteer Fire Council, Washington, D.C.

Cities with Heart

ROBERT LEVINE

As a child in New York City, I was taught to ignore the cries of strangers. I learned to walk around and over people who were stretched unconscious across busy sidewalks (“they just need to sleep it off”); to ignore the screams from fighting couples (“don’t ever get in the middle of a domestic argument—they don’t want your help”); and to disregard the ramblings and hallucinations of emotionally disturbed street people (“don’t make eye contact—you never know how they’ll react”). “There’s nothing you can do” and “Try not to get involved” became my anthems of urban survival. I was taught these rules by loving, caring people—the very same individuals who were my models of communitarian behavior.

What sort of community teaches citizens to withhold altruism from strangers? How typical are New Yorkers in their treatment of the public? These questions have driven my research. Over the past five years, my students and I have conducted a series of experiments to test how likely it is that a stranger will be offered help in U.S. cities. Our experiments have focused on simple acts of civility, as opposed to Schindler-like acts of heroism. We asked two questions: First, does the willingness to help a stranger vary from one city and region to another? And second, what characteristics of communities—demographic, social, environmental, and economic—distinguish helpful cities from those that are not? In answering these questions we discovered how profoundly a city can shape the hearts of its residents.

MAY I HELP YOU?

We conducted the following six experiments in 36 cities of various sizes in all four regions of the country:

Dropped Pen. Walking at a moderate pace, the experimenter approached a solitary pedestrian passing in the opposite direction. When the experimenter was 15–20 feet away, he or she reached into a pocket, “accidentally” dropped a pen, and continued walking. “Helping” was scored on a five-point scale, ranging from no one offering to pick up the pen to someone running back to hand the pen to the experimenter.

Helping a Blind Person Across the Street. Experimenters, dressed in dark glasses and carrying white canes, acted the role of a blind person needing help to cross the street. Just before the light turned green, they stepped up to the corner, held out their cane, and waited for help. A trial was terminated after 60 seconds or when the light turned red—whichever came first.

Hurt Leg. Experimenters, walking with a heavy limp and wearing a large and clearly visible leg brace, “accidentally” dropped a pile of magazines and then unsuccessfully struggled to gather them back up as a pedestrian came within 20 feet of them. Helping was scored on a three-point scale, ranging from no help picking up the magazines to pedestrians asking if they could be of further assistance.

Change for a Quarter. With a quarter in full view, the experimenter approached a pedestrian passing in the opposite direction and asked politely if they could make change for a quarter. Responses were scored on a four-point scale, ranging from everyone ignoring the request to someone stopping to check for change.

Lost Letter. A neat handwritten note, “I found this next to your car,” was attached to a stamped envelope that was addressed to the experimenter’s home. The envelope was then left on the windshield of a randomly selected car parked in a main shopping area. The response rate was measured by the percentage of letters that later arrived.

United Way Contributions. As a measure of charitable contributions, we compared per capita contribution to United Way campaigns for each city for the year 1990.

The experiments were conducted in main downtown areas on clear summer days during business hours. A relatively equal number of male and female pedestrians were targeted. In all, we conducted

379 trials of the blind person episode; approached approximately 700 people in each of the dropped pen, hurt leg, and asking for change episodes; and left a total of 1,032 “lost” letters.

AND THE WINNER IS...

As the accompanying table indicates, the state of New York is home to both the most (Rochester) and least (New York City) communitarian of the 36 cities. Rochester was closely followed by 13 small- and medium-sized cities in the South and Midwest. The least helpful cities tended to be in the Northeast and the West.

OVERALL HELPING INDEX BY CITY

City	Region ¹	Population ²	Overall Helping Index ³	City	Region ¹	Population ²	Overall Helping Index ³
Rochester, NY	NE	M	1	San Diego, CA	W	L	19
E. Lansing, MI	NC	S	2	San Jose, CA	W	M	20
Nashville, TN	S	M	3	Atlanta, GA	S	L	21
Memphis, TN	S	M	4	Bakersfield, CA	W	S	22
Houston, TX	S	L	5	Buffalo, NY	NE	M	23
Chattanooga, TN	S	S	6	Salt Lake City, UT	W	M	24
Knoxville, TN	S	S	7	Boston, MA	NE	L	25
Canton, OH	NC	S	8	Shreveport, LA	S	S	26
Kansas City, MO	NC	M	9	Providence, RI	NE	S	27
Indianapolis, IN	NC	M	10	Philadelphia, PA	NE	L	28
St. Louis, MO	NC	L	11	Youngstown, OH	NC	S	29
Louisville, KY	S	M	12	Chicago, IL	NC	L	30
Columbus, OH	NC	M	13	San Francisco, CA	W	L	31
Detroit, MI	NC	L	14	Sacramento, CA	W	M	32
Santa Barbara, CA	W	S	15	Fresno, CA	W	S	33
Dallas, TX	S	L	16	Los Angeles, CA	W	L	34
Worcester, MA	NE	S	17	Patterson, NJ	NE	M	35
Springfield, MA	NE	S	18	New York, NY	NE	L	36

¹ NE = Northeast, S = South, NC = North Central, W = West
² S = small (350,000-650,000), M = medium (950,000-1,450,000), L = large (>2,000,000). Based on estimates for MSA or PMSA for 1989.
³ Derived from the raw scores for each measure

How much difference was there between cities? Generally speaking, not too much from one rank to the next. But at the extremes, the differences were dramatic. In the dropped pen situation, for example, a stranger would have lost more than three times as many pens in Chicago before receiving help than they would have in Springfield, MA. When asked to make change for a quarter, nearly 80 percent checked their pockets in Louisville, the city in first place for this experiment, compared to 11 percent in last-place Patterson. My own home town of Fresno was dead to last on two of the measures. We returned half as many (53 percent) letters as did San Diegans (100 percent!). Our per capita contribution to the United Way was less than 1/10th of that of Rochester.

ROCHESTER: A HISTORY OF COMMUNITY

To our astonishment, Rochester—our most helpful city—was also ranked number one in the most closely related survey that we could find. Nearly half a century ago, Sociologist Robert Angell created a moral integration index to measure the degree of solidarity, loyalty, and moral cohesiveness of 43 U.S. cities. Angell combined a series of statistics from the 1940 U.S. census to establish two measures of moral integration—the degree to which citizens were willing to sacrifice their own private interests for the public good (“Welfare Effort Index”) and the frequency with which people violated one another’s person and property (“Crime Index”).

Harry Reis, a professor of Psychology at the University of Rochester for the last 18 years, who grew up in last-place New York City, was “not the least bit surprised” by the performance of his adopted home. “I like to describe Rochester as a *nice* place to live—in both the best and the mildest sense of the word. It’s very traditional, and not always very innovative. But it’s a town where the social fabric hasn’t deteriorated as much as in other places. Unlike New York City, people here don’t laugh when you speak of ideals like ‘family values.’ They’re rarely too busy to offer a helping hand. They take their norms of social responsibility seriously.”

CHARACTERISTICS OF A HELPING COMMUNITY

The search for community characteristics that explain differences in helping turned out to be clearer than expected. The core of the issue,

we found, appears to be population density—the number of residents per square mile. Places with lower population densities were far more likely to offer help, particularly in those situations that called for eye contact in face-to-face, spontaneous responses (the dropped pen, hurt leg, and giving change situations).

“Cities give not the human senses room enough,” wrote Ralph Waldo Emerson. Urban theorists have long argued that crowding brings out our worst nature. Squeezing too many people into too small a space leads to feelings of alienation, anonymity, deindividualization, and social isolation. Feelings of guilt, shame, and social commitment tend to decline and city dwellers are more likely to do each other harm. People feel less responsible for their behaviors toward others—especially strangers. Our results indicate that they are also less likely to do each other good. The more crowded the city, the greater the unwillingness to help.

Not only does population density have direct psychological effects on people, but it leads to other stressful conditions which themselves decrease communitarian behavior. We found, through separate analyses, a strong negative relationship between helping and the cost of living of an area, controlling for population-density effects. (Population density helps to drive up costs, since the laws of supply and demand drive up the prices of land and other resources when they are limited.) Once again, the relationship between helping and cost of living was particularly strong for face-to-face helping situations, such as the dropped pen and hurt leg trials, which required spontaneous action.

High concentrations of people also produce stress on the environment. We looked at the relationship of our helping measures to Zero Population Growth’s “Environmental Stress Index”—the organization’s annual rating of the quality of five aspects of city environments: air quality, water quality, sewage quality, toxic releases, and rate of population change. As predicted, less helping occurs in environmentally stressed-out cities.

These community stressors not only result in less attention to communitarian behavior, but also lead to an increase in antisocial behaviors. We found that cities low in helping also have higher rates of violent crime. Antisocial behavior also sustains itself. Once antiso-

cial behavior becomes the accepted norm, it serve as an excuse for further inaction.

DO WE NEED CIVILITY?

Helping and civility are not always one and the same. In New York City, for example, even when helping did occur it often appeared with a hard edge. In the dropped pen situation, for example, helpful New Yorkers would typically call back to the experimenter that he had dropped his pen and then quickly move on in the opposite direction. Helpers in Rochester, on the other hand, were more likely to return the pen personally, sometimes literally running to catch up with the experimenter. In the blind person situation, helpful New Yorkers would often wait until the light turned green, tersely announce to the experimenter that it was safe to cross, and then quickly walk ahead. In Rochester, helpers were more likely to offer to walk the blind person across the street, and sometimes asked if he or she then needed further assistance.

Often New Yorkers were willing to offer help only when it could occur with the assurance of no further contact, as if to say “I’ll meet my social obligation but, make no mistake, this is as far as we go together.” In more helpful cities like Rochester, human contact often was the very motive for helping. People were more likely to help with a direct smile and to welcome the thank you they received.

Perhaps the most vivid example of uncivil helping occurred in New York City in the lost letter experiment. In many cities, we received envelopes which had clearly been opened. In almost all of these cases, the finder had then resealed it or remailed it in a new envelope. Sometimes they had attached notes, usually apologizing for opening our letter. Only from New York, however, did we receive an envelope which had its entire side ripped and left open. On the back of the letter the helper had scribbled, in Spanish: “*Hijo de puta irresponsable*”—which, translated, makes a very nasty accusation about my mother. Below that, he (she?) added in straightforward English: “F___ You.” It is interesting to picture this angry New Yorker, perhaps cursing my irresponsibility all the way to the mailbox. Yet, for some reason, this person felt compelled to do this social duty for a stranger he or she already hated. Ironically, of course, this

rudely returned letter counted in the helping column for New York City's score.

Compare this to a note we received on the back of a returned letter from Rochester:

Hi. I found this on my windshield where someone put it with a note saying they found it next to my car. I thought it was a parking ticket. I'm putting this in the mailbox 11/19. Tell whoever sent this to you it was found on the bridge near/across from the library and South Ave. Garage about 5 P.M. on 11/18.
P.S. Are you related to any Levines in New Jersey or Long Island?

L.L.

Nonhelpers also differed in their measure of civility. In these cases, New Yorkers were not necessarily the worst behaved. Todd Martinez, who gathered the helping data in both New York City and (pre-Rodney King riot) Los Angeles, observed clear differences between the two cities: "I hate doing L.A. People there looked at me but just didn't seem to want to bother. For a few trials I was acting the hurt leg episode on a narrow sidewalk, with just enough space for a person to squeeze by. After I dropped my magazines, I remember one man who walked up very close to me, checked out the situation, and then sidestepped around me without a word. L.A. was the only city (of 12) that I worked where I found myself getting frustrated and angry when people didn't help. In New York, for some reason, I never took it personally. People looked like they were too busy to help. It was like they saw me but didn't really notice—not just me, but everything else around them."

To the stranger in need, of course, thoughts are often less critical than actions. The bottom line is that their prospects are just as bleak in New York City as they are in Los Angeles. People will either find the time to help or they won't.

CREATING A RESPONSIVE COMMUNITY

Does our data prove that urbanites are less caring people? Perhaps not. Over and over, city dwellers told us that they cared

deeply about the needs of strangers, but that the realities of city life prohibited their reaching out. Many were afraid to make direct contact with our experimenters. Some were concerned that others might not want unsolicited help—that the stranger, too, might be afraid of outside contact or, in some cases, that it would be patronizing or insulting to offer them help. People spoke with nostalgia for the past, when they would routinely pick up hitchhikers or arrange a square meal for a hungry stranger. Many expressed frustration—even anger—that life today *deprived* them of the satisfaction of being good samaritans.

To some degree, perhaps, these unwilling helpers may simply be rationalizing to preserve their benevolent self-images. The bulk of the evidence, however, indicates that helping tends to be less affected by the nature of people than it is by the characteristics of the environment. Seemingly minor changes in the situation can drastically affect helping—above and beyond the personalities or moral beliefs of the people involved. The social context of city life sends up a multitude of forces which operate against the potential good samaritan. Studies show that the size of the place where one was raised has less to do with helping than the size of the place where one lives. In other words, small town people and urbanites are both more likely to offer help in rural areas than urban ones.

The lack of a communitarian environment in urban areas may not be a lost cause. Just as characteristics of the situation operate against helping, it should be possible to modify the environment to encourage helping. Experiments have found that reversing the anonymity that characterizes city life—by increasing personal answerability or simply addressing one another by name—strongly improves helping. Inducing a bit of guilt by making people aware that they could be doing more also seems to make a difference. We also know that the presence of helping models in real-life situations can strongly induce others to act similarly. Any increases in helping are potentially self-perpetuating.

For the present, however, the citizens of urban environments are clearly less likely to respond to the needs of strangers than are their counterparts in smaller communities. Just over a century ago John Habberton wrote, “Nowhere in the world are there more charitable

hearts with plenty of money behind them than in large cities, yet nowhere else is there more suffering.” Perhaps those responsible communitarians continue to wait behind their urban screens, and for now remain mostly absent from public action. The question remains of how to open these charitable hearts so that they may do good.

1/2 page ad

Oh Ye of Little Faith

Stephen L. Carter, *The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion.*

New York: Basic Books, 1993, 328 pp.

Reviewed by R. Stephen Warner

In the 1950s, Will Herberg called the United States at once the most religious and the most secular of nations. Americans were disproportionately likely to belong to churches and to attend them, and, to judge from opinion polls, they were almost unanimous in affirming belief in God and the afterlife. Yet religion seemed to have little influence in public life. Forty years later, according to Stephen Carter, a professor at Yale Law School and an active member of the Episcopal Church, this paradox has become a crisis. “Statistically,” mainstream Americans are still overwhelmingly religious, but they are discouraged “culturally and politically” from speaking about their faith in public. Elite opinion and, increasingly, the courts constrain them to treat their religion as a shameful secret, at best as a hobby. So although belief in the supernatural is still widespread (more than 80 percent think God either created life or guided evolution), Americans inhabit a “culture of disbelief.”

Although one can argue with Carter’s title—in my view, American public life is characterized not so much by a culture as a praxis of disbelief—it does draw attention to a contradiction between Americans’ rhetoric and their lives, a contradiction similar to the one that animated the authors of *Habits of the Heart*. For Robert Bellah and his colleagues, Americans lead lives that their language is increasingly incapable of expressing; their inability to speak convincingly of the moral commitments they affirm in everyday life augurs ill for their ability to nurture such commitments in their children. For Carter,

Americans' religions lie close to the heart of who they are and what they do, particularly in their homes, but they are constrained to deny their religious identities when they speak with others about how their common public life—especially their educational, medical, political, and legal institutions—should be ordered.

Carter is careful to present his credentials as a political liberal—he opposes capital punishment, believes Anita Hill, supports the ordination of women in his church, and endorses his employer's refusal to allow recruiters on campus who discriminate against gays and lesbians—and his argument is largely addressed to liberal opinionmakers. To them he says that they should cease fearing, as so many of them do, the participation of religiously devout people in public life. He maintains that liberals' distrust of religion in public life stems from the fallout of the Supreme Court's 1973 abortion-rights decision in *Roe v. Wade*. All at once, the voice of religion was heard in defense of "a cause that the left considered an affront" (p. 58)—the right to life—and religion in public life became anathema to them. Although Carter does not present a convincing historical case for the importance of *Roe* in this regard, his argument is plausible, since it is the case that public opinion on religion began to be polarized in the mid-1970s.

The Reagan-Bush years notwithstanding, religion has not always been a conservative force in American life. The civil rights movement is the best recent example of a religiously inspired social movement that the left could embrace. Thus, liberals should object not to the religion of the Religious Right; only to their politics. Indeed, Carter claims persuasively that the Reagan-Bush administrations represented the manipulation of religion by politics, whereas the civil rights movement and Jesse Jackson's presidential campaigns had truly religious roots. Carter finds hope in Bill Clinton that liberals can once again speak to and mobilize religious Americans rather than caricature and alienate them.

One might expect an African-American intellectual to dwell on the matter, but Carter laments only in passing that liberals' newfound disdain for religious rhetoric tends to devalue the cultural currency of people of color. Noting that "the modern attitude toward religion in the public square would have crippled the civil rights movement"

(p. 214), Carter says that it is particularly ironic that the current movement toward multiculturalism overlooks those whose religiosity is familiarly Christian (think of Martin Luther King Jr. or Cesar Chavez) rather than esoteric.

An expert on constitutional law, Carter also addresses jurists and his law school peers. As a sociologist of religion I cannot properly evaluate his contributions to their debates—indeed, reading his book made me glad I am a professor and not a judge—but several themes are addressed to the wider public. In regard to *Roe*, he shares Justice Ginsburg’s reported misgivings about its legal crafting and wishes that the Court had ruled not on the personhood of the fetus but on the relative competence of the state or the pregnant woman to decide its fate. He argues that, even though efforts to define life are often religiously motivated, defining life in questions of abortion or euthanasia is not out of legal or political bounds; indeed, it is inescapable. Along the same lines, he argues throughout that alleged religious motivation on the part of legislators should not disqualify their efforts, contrary to a precedent established in *Lemon* that requires that a law must have a “secular purpose” for permissible legislation. Quite consistently, Carter maintains that religious motivation should be irrelevant to the constitutionality of law or the acceptability of political speech; only the substance of the law or the proposed policy should be debated.

Above all, Carter the constitutional scholar insists that the intent of the First Amendment’s “establishment clause” (“Congress shall make no law respecting an establishment of religion”) was to enhance religious freedom, not to restrict it. The Founders did not worry about excessive religious influence on the state; the reverse is more nearly true. “Simply put, the metaphorical separation of church and state originated in an effort to protect religion from the state, not the state from religion” (p. 105). (Unlike some of Carter’s other historical and sociological claims, this one seems amply documented.) Accordingly, instead of being vigilant to prevent public encouragement of religion, the courts should follow a policy of accommodation, a kind of “affirmative action” (p. 126) in regard to religion. What Carter means is best seen in the area of public life he is most vocal about, the education of children.

Being himself religiously devout, ending his day in prayer with his family, and calling the love of his family a “blessing from God,” Carter wants to instill the same devotion in his children. He says that he shares that desire with his wife, and to that end they send their two children to a private, religiously sponsored school, where the children begin the day with prayer and learn values of respect for self and others. The Carters are fortunate to be able to afford such a school, but he outspokenly sympathizes with those of similar religious inclination but lesser financial means. “As a religious parent, I would not dream of sending my children to a school that felt itself constrained not to reinforce the message of abstinence that my wife and I teach, but, instead, offered ‘safe sex’ instruction without the repeated caveat that adolescent sexual activity is wrong” (p. 202). Accordingly, “parents should be entitled to broad rights to exempt their children from educational programs to which they raise religious objections” (p. 174), for example, the distribution of condoms.

Carter implies that respect for the religious sensibilities of parents would not only accommodate the rights that he finds for them in the First Amendment but would also serve the common good—“America would be a better nation if only it took more seriously the reinforcement of strong moral character in its children” (p. 187)—yet the passion in his argument seems grounded in a concern for parental rights. “The right of parents to choose a religious upbringing for their children is older than America, and ought to stand as an unshakable fundament of national life” (p. 184). “[N]o nation that strips away the right of parents to raise their children in their religion is worthy of allegiance” (p. 192). Those are some of the strongest words in the book.

The Culture of Disbelief has been called a plea for religious “tolerance,” but it is more than that. To Carter, tolerance of religion connotes the willingness of decent people to leave their religious fellow citizens alone, but, although Carter speaks for the civil rights of religious individuals, he demands more for them—and for himself—than the forbearance of others. He demands that the rights of religious *groups* be respected in law, and foremost among these rights is what might be called the right of cultural reproduction. Accordingly, although Carter supports gay rights and women’s rights, he thinks that religious groups should be exempt from compliance with

fair employment laws for positions—ordained ministry, religious education—that lie close to the center of their religious identity. Thus it is no accident that Carter’s definition of religion is Durkheimian, rather than Geertzian (p. 281, note 22). For him, religions are more than symbol systems for defining the world; they are “communities of corporate worship.”

From the point of view of social theory, religions serve as mediating institutions; if one prefers the less functionalist language that Carter also uses, religions are independent centers of power. “A religion is, at its heart, a way of denying the authority of the rest of the world” (p. 41). Invoking Tocqueville and sounding as well like Burke, Carter stresses that religious groups in the United States are set against the tyranny of “secular leveling.” It is not utterly clear whether they prevent such leveling or need to be protected against it, but one reason to welcome their contribution is that their voice will elevate public debate, for example reminding us of the immorality of racial discrimination, the injustices of Central American dictators, and the tragic dimensions of abortion, euthanasia, and capital punishment.

One thing is clear to him, and here the evidence is on his side: religious groups in the United States that mobilize over educational issues—school prayer, creationism, sex education—are for the most part trying to protect the integrity of their own communities, not proselytizing to expand their boundaries. Whether their concerns should be accommodated should not be decided on the grounds of their religious motivations; instead, their proposals should be weighed on their own merits. “Unless liberal theory and liberal law develop ways to welcome the religiously devout into public moral debate without demanding that they first deny their religious selves, the caricature of liberalism offered by the radical right will more and more become the truth, for liberalism will continue its slide from a pluralistic theory of politics to a narrow, elitist theory of right results” (p. 232).

ESPECIALLY NOTED

DANA MITRA

Communitarianism, *Critical Review*, Volume 8, Issue 2.

The *Critical Review* has dedicated an entire issue to the subject of communitarianism. The publication offers a variety of viewpoints on the communitarian debate from a political theory perspective, including essays that discuss the tension between communitarianism and liberalism, and the common ground that exists between them.

Developmental Studies Center, *At Home in Our Schools: A Guide to Schoolwide Activities that Build School Community* (Oakland: Developmental Studies Center, 1994) 125 pp.

What can we do to build community in our schools? The Developmental Studies Center provides a “how-to” approach for parents, teachers, and administrators. The book includes a description of 15 activities that help to create a caring environment, as well as specific plans for teachers to apply each of these lessons. Projects include inviting a grandparent to school for the day, encouraging families to read together, painting a schoolwide mural, working for a social cause, and creating a school community garden.

Melissa Bass, *Making the Rules* (Minneapolis: Project Public Life, 1994) 95 pp.

Bass entices young people to take the future in their own hands and get involved in public life. This workbook contains exercises, skills, lessons, and stories on citizen politics. It can aid young people in everything from discovering a worthy cause, to learning about it, to taking action on the issue. Instead of providing a recipe, the workbook provides a general framework which young people modify for their own situations and become more effective in making a difference in their communities.

Cable News Network, Hosted by Frank Sesno, *CNN Presents: Decline of Civilization* (Atlanta: Cable News Network, 28 August 1994 Airdate) 1 hr.

Whatever happened to civility in our society? Journalist Bruce Morton documents the decline in respect for others, citing the “in-your-face” attitude of sports, the negative advertising and mud throwing of politics, and the frustration demonstrated by drivers on the road. The video also includes a reenactment of the Levine study included in this issue (see p. 59). White House Deputy Domestic Policy Advisor William Galston, Sports-writer Frank Deford, and columnist Judith Martin (Miss Manners) participate in an analysis of the decline in decency in American society. According to the broadcast, “When rules of behavior fray, society itself falls apart.”

ABA Commission on Public Understanding About the Law, *Mediation: Is It for You?* (Chicago: American Bar Association, 1994) 20 min.

Alternative dispute resolution provides a cost-effective alternative to the backlogged judicial system. This video provides three scenarios: a custody battle during a divorce, a homeowner’s dispute with a plumber, and a neighbor dispute over barking dogs. Each demonstrates the process of dispute resolution and allows consumers to decide if it would be a better alternative for them than the courts.

Lisa Funderburg, *Black, White, Other: Biracial Americans Talk About Race and Identity* (New York: William Morrow & Company, 1994) 391 pp.

Funderburg provides oral histories of 46 biracial persons in the United States. Each narrative includes a description of the individual, including a photograph and short biography, and the author makes a concerted effort to let the individuals speak in their own voices. Funderburg shows that it is possible to combine personal, emotional accounts of individual experiences while still keeping in mind the complex social issues surrounding race and diversity.

The Commitment Gap

DANIEL DOHERTY AND AMITAI ETZIONI

Seventy-six percent of Americans believe that our society is experiencing moral decay. This decay is evident in two different ways. First there is the abandonment of moral standards—the collapse of values to which we used to be committed, resulting in an inability to tell right from wrong. Second, the focus of our attention here, is when people profess to be committed to a value but do not live up to the moral implications of that commitment.

We were going to refer to such lapses as the “hypocrisy gap.” However, Webster defines hypocrisy as “a feigning to be what one is not or to believe what one does not, especially the false assumption of an appearance of virtue or religion.” The fact is that not all of those whose actions contradict their values are cynics who merely pay lip service to a value, choosing to ignore it otherwise. Some people try but just do not make it. It is easier to speak about the need to vote than it is to queue up, to talk about the importance of family relationships than it is to work at nurturing them, and so on. Still such a commitment gap is a source for personal and communal concern—and action.

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DAVID E. CARNEY

From the Libertarian Side

A RIGHT TO SIT ON THE WRONG SIDE OF THE BUS

Sima Rabinovicz and the New York Civil Liberties Union are preparing to file a sex discrimination suit against Monsey Trails, a privately owned, publicly subsidized Rockland County, NY bus company. Mrs. Rabinovicz, a regular rider with this bus company, was told by a Hasidic Jew to change seats to allow the Hasidic Jews to draw the mehizah, a curtain which separates men from women during times of prayer. Mrs. Rabinovicz refused to move. The Hasidim had to get off the bus to pray and to light the Hanukkah candles.

The next day Mrs. Rabinovicz tried to get on the bus again to see if it would carry her. She claims she was asked not to ride the bus again. The bus company denies the claim.

Norman Siegel, executive director of the New York Civil Liberties Union, hopes the legal action will lead to the removal of the curtains, a 40-year-old fixture on Monsey Trails. He says, "You cannot, on a public bus, base your seat selection on gender."

Kevin Hasson, president of the Becket Fund for Religious Liberty, sees things differently. "This is simply a case of people who want to be able to pray together and were forced off a bus by people who behaved impolitely. Ninety-nine percent of the passengers belong to a cohesive religious community where men want to sit together and women want to sit together."

Heralded as a Jewish Rosa Parks by some and derided merely as a person deficient in manners by others, Mrs. Rabinovicz will have her day in court as each side gears up to defend its position.

The New York Times, *9 September 1994*

OPEN-BOOK POLICY

On October 24, 1994, citing First Amendment concerns, the Fairfax County Library Board effectively killed a proposal to restrict access to “adult” materials by minors in Fairfax, Virginia. The proposal called for books covering topics like violence, suicide, the occult, and homosexuality to be placed into an area to which minors would not be admitted without parental consent.

Library Board Chairman Herbert A. Doyle said, “We should be encouraging children to use the library, not discouraging them. Our First Amendment affords all citizens the right to information, free of government restrictions.” Valerie Eastwood, a founder of Northern Virginia Citizens Against Censorship, declared, “The people of Fairfax can feel comfortable knowing that their libraries will remain free and open to everyone.”

The unbridled enthusiasm was tempered by the passage of a committee proposal, which needs full board approval to become policy. This proposal would allow parents to obtain a list of the books checked out by their children under the age of 12.

The Washington Post, *25 October 1994*

From the Authoritarian Side

WE’LL HAVE “NUN” OF THAT

During a month-long synod in Vatican City, representatives of the Catholic Church and Catholic religious orders discussed liberalizing Church policy to allow women more power, and possibly

ordination. The discussions met with stiff opposition from conservative forces within the Church.

Liberal forces within the Church offered a wide range of suggestions to make the hierarchy more inclusive of women, who comprise more than half of the 960 million Catholics around the world. They bolstered their claim with a study by Frances Bernard O'Connor of the Holy Cross order. The study demonstrates that many nuns in six regions around the globe desire to be priests, or at least wish to have that option open.

The head of the Sisters of Mercy of the Americas, Doris Gottenmoeller, suggested that bishops be more sympathetic to “feminine spirituality...as a sign of the times and a gift to the Church.” Accepting that the priesthood might not be an issue for discussion, Sister Stephane-Marie Boullanger of France suggested that the Vatican open up some decision-making positions to women. Ernest Kombo, a bishop from the Congo, suggested that women be allowed to be “lay cardinals,” but not ordained priests.

Some bishops at the synod dismissed the concerns of the liberalizing forces by arguing that the liberals’ position was merely “cultural imperialism.” The proposals shocked Pope John Paul II, whose conservative views are well known. Church policy maintains that women cannot be ordained priests because Jesus only selected men to be his apostles. The pope has taken steps to ensure that his successor will have the same unwavering opposition to female priests. He has handpicked 70 percent of the cardinals who will select his successor.

The Washington Post, 27 October 1994

SOUTH KOREA'S MCCARTHYISM

Since the death of North Korea's Kim Il Sung in July 1994, the South Korean government has begun a crackdown on its citizens with leftward tendencies. The crackdown is both a result of the continued fear of North Korea and a reaction to “the shock of the people, who were surprised to see the large body of students with leanings toward North Korea,” according to Lee Sei Kee of the ruling Democratic Liberal Party.

Police have sought an indictment of Cho Jung Rae, author of a 10-volume epic *The Taebaek Mountains*. Police claim that the book, which has been on the market for eight years and now appears as the most expensive movie ever made in South Korea, is pro-communist. In addition, police have arrested students for possessing materials which police allege are sympathetic to North Korea. Police even attempted to indict two professors writing a book about South Korea with a Marxist interpretation. Cho believes that “it is unimaginable in a democratic society to put something that is the product of one’s imagination on trial.”

The recent events are all the more surprising because South Korea’s President Kim Young Sam was elected just over 18 months ago on a platform of reform and democratization. Lee explains, “[P]eople started to say, ‘Why are you being soft [on left-leaning individuals]?’ Then the media took up this view. That is why we changed our position.”

The New York Times, 17 September 1994

From the Community At Large

CASEY JONES, WATCH YOUR SPEED

Beginning in January transportation workers—bus drivers, train engineers, and other “safety sensitive” workers—will be subject to more frequent random drug and alcohol testing under new federal rules issued by the Department of Transportation. Transit systems will be required to perform one random drug test each year for every two employees in safety sensitive jobs. Alcohol breath tests will be administered on the basis of one test per year of every four employees in safety sensitive jobs.

Estimating the size of the problem of impaired workers, Judy Meade, the senior drug and alcohol program manager at the Federal Transit Authority, predicts that systems which have not previously

been tested will find a positive rate “in the neighborhood of 5 to 6 percent.” Meade foresees an evolution of the deterrent. “Rates will be fairly high for the first two years, because it takes time for the corporate climate to change. It takes time for John Doe to see his buddy Sam Smith hauled away.”

The New York Times, 20 September 1994

A HELPING HAND

A recent trend in philanthropy has businesses forming partnerships with local groups—churches, neighborhood associations, and community intermediaries—to overcome traditional obstacles to corporate attempts to revitalize the inner city.

Traditional corporate involvement in the inner city grows out of two sources. The first is a genuine desire to improve the community. While the intention is laudable, the action often meets with limited success. The corporation earmarks funds and in-kind services for the problems that it considers most pressing. But the imposition of solutions leaves unsolved the problems that the residents view as more pressing. According to Charles R. Stephens of the Center for Philanthropy, companies become overwhelmed and quit projects.

The second source of inner-city aid takes the form of unwilling support. Take Huntington Bancshares, Inc. of Columbus, Ohio as an example. Feeling pressure from the government, bank regulators, and citizens' groups, Huntington attempted to increase the amount of loans it offered to inner city residents and businesses. Its inner city advertisement campaign was a failure. Residents felt that the bank is insensitive; the bank claimed that the residents do not trust banks. Efforts to provide inner city loans seemed doomed to failure.

Recognizing the shortcomings of these traditional approaches, the new strategy mitigates them through the involvement of local community groups. To overcome the problem of temporary gains, William S. Edgerly, Chair of the Committee for Economic Development argues, “The only fundamental, lasting solution to inner-city problems has to be built on the residents.” To conquer the suspicions and destroy the stereotypes, community groups function as mediators between the benefactors and the beneficiaries.

Again, Huntington serves as an excellent example. Like a knight in shining armor, Paul Taylor, a community development consultant, entered the fray. His plan to unite the bank and the community through institutions they both trusted—the churches—is but one example of the new strategy for inner-city philanthropy. For every customer that a church generates for the bank, the church receives a monthly cash donation. Churches have generated \$44 million in inner-city loans at market value for Huntington Bancshares. Phillip Douglas, an African-American resident of Columbus, says, “Everybody knew it was a win-win process with the church involved. The church eased people’s fears and skepticism.”

While all is not perfect with the new strategy, it is making unprecedented strides in community revitalization. Paul S. Grogan, President of Local Initiatives Support Corp., which directs private monies to community projects, exclaims, “There’s more going on. And more companies are participating in more than one way.”

Business Week, 26 September 1994

THE COMMUNITY GETS A VOICE

In August 1994 the New York State Office of Mental Health responded to increasing complaints about the lack of community input into the process of placing large resident facilities for the mentally ill in New York City neighborhoods. The Office of Mental Health gave the communities their wish.

New regulations require that notification be given to city and state lawmakers within five days of a nonprofit agency’s signing of a contract for a site in their districts. Additionally, a 75-day community-comment period must elapse before the transaction can be finalized. Officials from the state and the nonprofit agency must attend all meetings relating to the site. The Office of Mental Health must provide an explanation for its decision on each site.

Proponents argue that this is the first step to get the government to develop a comprehensive plan to distribute social-service programs throughout the city on an equitable basis. Additionally, Steven Sanders, Chairman of the State Assembly’s Mental Health Committee, believes, “Now they [citizens] are empowered...[T]hey have an actual role to play.”

Supporters respond to fears of opponents by correctly arguing that the new law only allows input about the site; it does not provide the community the power to reject the site.

Opponents claim that the new regulations are discriminatory and therefore unlawful. Community input usually takes the form of keeping “undesirables” out of a particular community. Robert Schonfeld, a lawyer for nonprofit groups which develop housing for persons with addictions and disabilities, argues that the regulation violates federal antidiscrimination laws, particularly those of the 1988 Fair Housing Amendments Act. He points to a case in Maryland where a federal judge ruled that regulations requiring notification and public hearings by an operator of a group home for the elderly were illegal. The judge found the regulations as “equally offensive as would be a rule that a minority family must give notification and invite comment before moving into a predominantly white neighborhood.”

This confrontation will not soon come to a conclusion. Perhaps both sides can agree on an amicable settlement relating to a master plan to distribute group homes on an even basis throughout New York City. Such a solution would please the citizens who feel that their voices are not heard and that the group homes are unfairly distributed. At the same time, the solution would please nonprofit organizations who fear that this community voice might keep them from opening group homes and would silence the not-in-my-back-yard arguments.

The New York Times, 22 August 1994

COMMUNITY NEWS

RELIGION V. "RIGHTS"

SACRAMENTO, CA May 29, 1994 (AP)—A state appeals court has ruled that a property owner may refuse to rent an apartment to an unmarried heterosexual couple because of religious convictions, despite a state law forbidding housing discrimination based on marital status.

Finding that the state had no "overriding interest" in protecting the unmarried from discrimination, the Third District Court of Appeals ruled that enforcement of the civil rights law violated the religious freedom of the apartment owner, who considered sex outside of marriage sinful.

The property owner, Evelyn Smith, "cannot remain faithful to her religious convictions and beliefs and yet rent to unmarried couples," the court said in a 3-to-0 ruling that was made public on Friday.

The ruling is virtually identical to one handed down in 1991 by an appellate panel in Los Angeles. The state Supreme Court agreed to review that decision, but it dropped the case without explanation last fall, leaving the law unsettled.

In the ruling, the court did not discuss sexual orientation, but its reasoning might also be applied to an owner who refused to rent to a homosexual couple for religious reasons.

The ruling overturned a \$954 fine assessed against Ms. Smith in 1989 by the California Fair Employment and Housing Commission for denying an apartment to Kenneth Phillips and Gail Randall because they were not married to each other.

The commission, whose position is that commercial property owners must follow anti-discrimination laws regardless of their personal beliefs, is certain to appeal the ruling to the state's high court. The case has been closely followed by civil rights groups and religious organizations, one of which represented Ms. Smith in court.

The opinion, written by Presiding Justice Robert Puglia, said the state's action against Ms. Smith violated not only her religious rights but also her freedom of speech, because she was ordered to post a notice saying that discrimination based on marital status was illegal.

Justice Puglia wrote that it would be tyrannical to require the owner "to post on her property notices which proclaim notions and ideas which are offensive to her moral and religious beliefs."

He acknowledged that the state could interfere with religious practices and free speech when necessary to serve a "compelling interest." But he said protecting the housing rights of unmarried couples was not such an interest.

While state housing law forbids many types of discrimination, categories like race are constitutionally recognized and have a higher priority than marital status, the opinion said.

Justice Puglia also said the courts "have consistently refused to treat unmarried couples as the legal equivalent of married couples." The fact that the Legislature had not passed laws changing those rulings reflected "the state's strong interest in the marriage relationship," he said.

In addition, he noted, the state has allowed public colleges to reserve housing for married couples.

SPARE THE ROD?

WARM SPRINGS, OR Oct 29, 1994 (AP)—Cheryl Sorrelhorse says her teenage daughter was socializing with gangs, failing in school, drinking, and running away. But when Ms. Sorrelhorse turned to tribal authorities here on the Warm Springs Indian Reservation for help, she says, they went too far.

What followed that plea for help was a yearlong journey through the tribal justice system that culminated last month in the ceremonial whipping of the girl by a "whip man," an official whose administering of discipline was a well-established tradition among several tribes in the Northwest centuries ago and is still allowed by some tribal courts.

Ms. Sorrelhorse had taken her complaints about her daughter's conduct to officials of the Confederated Tribes of the Warm Springs

Reservation, who include Nez Perce, Umatilla, Warm Springs, and Yakima Indians.

“When they said she needed to have the whip man, I said that’s not right, because I am not a traditional person,” the mother said in an interview this week. “They felt she was out of hand. And in reality, yes, she was out of hand. But I felt the whipping was really out of hand. It was a horrible night.”

On the evening of punishment, the 17-year-old girl knelt on a buckskin at a reservation jailhouse about 100 miles southeast of Portland. She was surrounded by her mother, her stepfather, her brothers, her grandmother, tribal elders, and court officers.

“The whip man was on this side, and I said, ‘How are you going to do it?’” Ms. Sorrelhorse recalled. “And he said, ‘I am going to use my belt.’ And when he went to whip her, he brought back his arm way back, way back, and pow! The belt snapped. And each time he whipped her, he said something like, ‘This one is for running away,’ and I would scream.”

In all, Ms. Sorrelhorse says, her daughter was struck five times. The girl cried during the punishment and, when it was over, stood and told tribal officials, “I hate you all.” She has since been sent to an Indian girls’ boarding school in Oklahoma.

Ms. Sorrelhorse said her daughter had been harassed into joining a gang and had quickly turned from a loving child into a rebellious delinquent. “I couldn’t control her anymore,” the mother said.

Tribal officials have declined to comment on the Sorrelhorse case. But a tribal spokesman, Nat Shaw said that there had been gang activity on the reservation for about three years, that “it is a concern of the community,” and that the tribal system “is making efforts to deal with it.”

Ken Cantrill, principal of a local high school, agreed that even here on the remote high desert, gangs had gained a foothold.

“A lot of people think we’re a small community and we can’t have a gang problem,” he said. “A number of people are seeing the signs of gangs, and yet there is another large group in denial.”

Do School Prayer and Legislators Mix?

NO, LAWMAKERS SHOULD KEEP OUT OF THE SCHOOL-PRAYER CONTROVERSY

When constitutional rights collide, the conflict is best resolved by courts and common sense. Not by overzealous legislators, who tend to turn constitutional fenderbenders into full-speed, head-on crashes.

Just such a collision looms on school prayer. Students have a constitutionally guaranteed right to pray, even on school grounds. And they clearly have a right to freedom from other people's prayers.

The Supreme Court long ago addressed the second point, ruling school-sanctioned prayer unconstitutional. But a new round of debate is emerging over voluntary public prayer led by students—the kind that might be offered in a high school valedictorian's speech or at an after-school rally.

In a 1992 Texas case, a federal appeals court said graduation prayer is OK if it's student-initiated, nonsectarian, and nonproselytizing. That's now the law in Texas, Louisiana, and Mississippi, where the appellate court has jurisdiction.

School-prayer advocates, seizing momentum from that ruling, are vigorously lobbying legislatures to make it law in their states, too. Prayer laws are passed or in the works in Alabama, Florida, Georgia, Louisiana, Pennsylvania, South Carolina, Virginia, and Tennessee.

The fervor even has reached Congress. Both houses have voted to deny federal funds to school districts that prohibit students from voluntarily praying.

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This legislative flurry scores points with prayerful constituents, who rightly believe government should not interfere in religious choices. Unfortunately, the legislative remedy only stands to make matters worse.

As different laws with different definitions of prayer evolve in different states, school officials' confusion mounts.

Some principals, just to be safe, require graduation speakers to sign a pledge that they won't mention prayer. Mississippi principal Bishop Knox thought he was obeying the law when he allowed a student-initiated, nonsectarian prayer over the school intercom. He lost his job.

Then there's poor Dwayne Oldham, a Tennessee principal caught between a student petition demanding prayer and an ACLU threat to sue if he permitted it. He's asked a court to settle the argument.

That's where the debate belongs. In court. Well-meaning laws that permit prayer open the door for abuse by those who would impose a majority's prayers on an unwilling minority. Denying federal funds because an overzealous principal bans voluntary prayer merely punishes students.

Either abuse—tyranny of the majority or overzealous restriction of students' rights—can be corrected in court. Eventually, such a case will reach the U.S. Supreme Court and the law for all will be clear.

Until then, legislators should have the good sense to get out of the way.

USA Today Editorial Board

YES, LEGISLATURES CAN HELP TO END THE CONFUSION

While the courts remain the best arena for tackling the prayer issue, there is a role for legislative bodies. The fact that there has been interest in places like Georgia, Virginia, Mississippi, Alabama, and Tennessee indicates that the issue of prayer is important not only to lawmakers but to the constituents they represent as well.

While we believe the legal footings for student-led and student-initiated prayer are constitutionally sound, we also believe legislatures can be helpful by clarifying the issue of school prayer, as opposed to adding to the confusion.

Some of the prayer bills may be bad legislation and may not clear constitutional hurdles. At least one locality is considering legislation that would control the content of student prayer. The last thing we want is government telling us *how* to pray and *what* to say.

Legislative efforts designed to reinforce the validity of truly student-led and student-initiated prayer, however, are healthy. Students already have the constitutional right to pray at school. To reinforce it with legislation is beneficial.

There are critics who have a hard time putting prayer and school in the same sentence. Such a move sets off bells and whistles in their minds and all too often sets off a false alarm over the Constitution's establishment clause: whether such activity violates the separation of church and state.

They should not worry. As Justice William Brennan wrote, "The establishment clause does not license government to treat religion and those who teach or practice it, simply by virtue of their status as such, as subversive of American ideals and therefore subject to unique disabilities" (*McDaniel v. Paty*, 1978). There is wisdom in a government that can *accommodate* religion but not *endorse* it.

State legislatures can help clear the air, to accommodate religion, to make room for all viewpoints, including religious viewpoints. The last thing we need is a government that endorses religion or prayer; that is not the government's place, nor should it be. The solution is equal access to the marketplace of ideas.

Don't slam the door on constitutionally protected prayer. Legislatures can help end the confusion without creating a constitutional crisis.

Jay Alan Sekulow

The Need for a New Paradigm

Philip Selznick (Fall 1994) is reluctant to abandon the traditional division of social and political philosophy into liberals and conservatives. He prefers to see communitarian thought as a correction of liberalism. As I see it, communitarians have established a fundamentally different paradigm.

The core issue is the relationship between the individual and the community, or rights and the common good. One camp sees the individual as the center and all else as secondary or derivative. This camp is referred to as “liberal” by Selznick and others, but this term covers such different persuasions that it confuses more than it helps. Referring to it as “libertarian” is both more precise and more revealing.

The other camp sees virtue primarily in the collective, whether it is mother church, the fatherland, or the community. Individual rights are disregarded or viewed as secondary to the cause, the mission, the union. This camp is often referred to as conservative, a term which confuses social conservatives (who often are rather authoritarian) with laissez-faire conservatives (who are rather libertarian). The term “authoritarian” depicts best this second camp because the more one stresses the need to serve the common good, the less room and patience one has for democratic processes and institutions.

Communitarians form a clearly distinct camp that seeks balance between individual rights and the common good. We see both elements as equal in their standing and hence expect a built-in tension between them. The analogy of a bicycle that tends to lean in one direction or the other (libertarian or authoritarian) and needs to be pulled back toward the balanced center seems helpful. Hence, while communitarians may argue for more rights in some historical situations (e.g., in contemporary China) and for more attention to the common good in others (e.g., in the contemporary United States), the

basic focus is on the need and quest for a dynamic balance between the two.

So what then do we make of libertarian excesses: of their preoccupation with universals rather than also taking into account community-based particular cultures; of their preoccupation with liberties but disregard of their need to be orderly and hence limited (if only for the sake of liberty itself); and of their romanticization of reason and neglect of moral values? Selznick seems to imply that these flaws are all accidental oversights that can be corrected following a communitarian memo. As I see it they are inherent in the basic position that builds on one principle: the primacy of the individual over all else. Unless this principle is dropped, Selznick's "corrections" will not be truly accepted into the core of libertarian thinking.

Hence it is far from surprising that John Rawls's work has moved from often ignoring the social realm—to embracing it as secondary and as derivative. But this is about as far as he can bend without abandoning his libertarian position. What is needed is clearly a different paradigm, one that recognizes that societies are composites and are not cut from one principle, and that the main element of this composite is a tensed relationship between the common good and individual rights. History is replete with movements that sought to maximize one core value or the other (especially various totalitarian movements). Communitarians seek to restore the pivotal balance whenever it is lost.

Amitai Etzioni

*Coming up in the Spring 1995 issue of The Responsive Community:
Stephen Macedo's "Communitarian Liberalism: A Reply to Philip Selznick."*

The Left Keeps Dreaming

Charles Derber's article (Fall 1994) illustrates all that is wrong with the left even when it has communitarian yearnings. Its head is buried deep in utopian romantic sand.

Derber favorably describes "social market alternative #1," which is known by many as the welfare state. Promising models of this "alternative" are said to be found in central Europe. Yet Derber ignores that the welfare state is in deep trouble in these countries, largely because of rising costs and a loss of legitimacy. While it is true that citizens in these countries claim to be supportive of—and indeed often demand—ever more government services, they are unwilling to pay for the attendant rising costs with ever higher taxes, which they find intolerable even at current levels. In addition, far from being satisfied, Europeans view the services they receive as excessively impersonal and bureaucratic. These countries seek to move in our direction, relying more on members of communities to do things for one another and privatizing some of the state's present functions.

As for alternative #2, Derber—lacking any compelling examples of well-functioning social democratic economies—drags up an obscure cooperative and housing project. Unfortunately, this project so far has not even impressed most members of its own society. If those who live in the same socioeconomic environment do not seek to follow the alleged lead of these cooperatives, why should we rush to imitate them?

Emily Aspen

Defining our National Identity

I understand Sheldon Hackney to be asking (Summer 1994), not what *conclusions* Americans should reach about the issues that divide us as a nation, but what *premises* we can take for granted when we discuss such issues. This question is of crucial importance at this time in our history. The current trend in the United States is toward identifying oneself as a member of some subgroup that demands

recognition—a subgroup with its own culture, its own values, its own beliefs. This trend threatens, at minimum, the civility and perhaps even the stability of our nation. Human beings have proven quite capable of abandoning reasonable discourse at the first sentence if there are no generally accepted premises and the conclusions appear threatening. We need something that will prevent the public discourse from becoming a cacophony.

Unfortunately procedures, including those established by our Constitution, are not sufficient to the needs of public discourse: Those who are injured or offended by the results produced will act on the maxim, “If you’re losing the game, change the rules.” And attempts to cover up discord—by either imposing a code of gentility or utilizing a conception of public reason manufactured in Cambridge—will lead only to distortion and displacement, with results that are sometimes very ugly. Like every attempt to solve problems by repression, such efforts are fundamentally flawed.

Perhaps one ground for hope is that our very diversity will prevent the formation of any force powerful and determined enough to repress others effectively. Unfortunately, history instructs us otherwise.

But another source of hope is a political tradition, widely admired outside the United States as well as within it, that begins with a ringing affirmation of the claims of our common humanity. “We hold these truths to be self-evident,” the Declaration of Independence proclaims, “that all men are created equal; that they are endowed by their Creator with certain unalienable rights, that among these rights are life, liberty, and the pursuit of happiness.”

In today’s climate, however, the Declaration is as politically incorrect a document as one could hope to find. Radical relativists find Jefferson’s reference to self-evident truths hopelessly outdated; feminists are offended by his use of the generic “men;” anti-egalitarians dislike his appeal to equality; and secularists are offended by his reference to a Creator God. Neo-Manicheans, militant atheists, and legal positivists reject his earlier reference to “the laws of nature and nature’s God.” Some bioethicists reject a document which places the right to life over the right to die or even the right to choose. The New Right is offended by his lack of any specifically Christian (or even

Judeo-Christian) reference; and radical ecologists are offended by his “speciesist” limitation of rights to human beings.

So how can such a document provide us with a cornerstone of agreement? The answer may lie in a surprising place. What sophisticates consider the Declaration’s quaintest feature—its appeal to a Creator God—is in fact essential to it. For it gives our human status a root outside our passions and wills, immune both to the self-hatred of some intellectuals, and to the passions of neotribalist ideologues. Sustaining belief in such a God in the lives of Americans will require a richer context of faith, but on detailed issues of religious belief and practice we cannot expect a national consensus.

Although the overwhelming majority of Americans believe in God “or a universal spirit,” we need not strictly require belief in God in the usual sense as a condition for taking part in the dialogue about U.S. national identity. What we need is shared belief in a nonempirical root of human dignity. It is natural to call such a root “God,” but about God’s further attributes—whether for example “He” is any sense personal—is a matter for debate within our national consensus rather than an article of national faith. (Whether agnostic Kantianism makes sense is an important question, but one to be pursued on another occasion.)

The Declaration remains, so far as ideas are concerned, our best bulwark against the fate of Yugoslavia and Rwanda. If we cannot find or create a consensus in support of a document of our nation’s founding, other formulations are likely to prove even more divisive.

Philip E. Devine

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