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The Responsive Community offers sincere thanks to Alan Wolfe, who completed his term as Book Review Editor with the Winter issue, and welcomes David Sciulli as the new Book Review Editor.

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To Transcend Identity Politics: A New Paradigm

Over the last 30 years, my research and efforts have been primarily concerned with two issues. First there is that with which most people are familiar: the effort to advance women to equality. More recently, though, much of my thought and research has been concerned with a new understanding of age—with the fact that women and men past 50, 60, 70, even 80 can continue to grow and develop, that the programmed deterioration from youth to terminal senility which we so dread is also a mystique.

After completing my research on age, I expected to turn to the accompanying policy implications. But in the time since then it has become clear to me that the policy implications required a new kind of thinking, not just the kind of approaches that have been proposed over the years to combat sexism and racism. It is still important that society break through the barriers that limit the job opportunities for women. Similarly, antidiscrimination laws and affirmative action are needed to ensure opportunities for minorities. So too with age discrimination: women and men should not be forced out of jobs because of age. But as important as all of these legal and social changes have been—and they have been absolutely essential in opening new doors of opportunity—they now seem inadequate. We must take a more structural approach, one that crosses these barriers to confront the intensifying economic inequalities, the polarization of wealth, and the politics of hate that the culture of greed has spawned. We must adopt a new paradigm, one that does not deny our differences, but asserts that, in many ways, we are in the same boat. We need a new version of community, of politics, that puts the people's good on the bottom line.

Why is this change in approach required? The answer, essentially, is downsizing. Downsizing has been *the* dominant economic trend over the last few years. More and more big companies are announcing that they have let go 10,000, 20,000, 50,000 workers and the general consensus is that most of that downsizing is not going to be reversible. There is some evidence that women and minorities, who were the last hired, are often the first to be fired. But the new revelation that has come out in some of the data is that for the first time since the Depression there seems to be a significant drop in income over the last five years of college-educated white men.

We have long known about the effect of job downsizing and the structural changes in the workplace for those with a high school education or less. And this situation is in and of itself important. But it is now clear that the story does not end there. Men and women over 50, regardless of education, are feeling the effects. And as for college-educated white men, consider the following statistic: college-educated, middle-management white men aged 45 to 54 have seen a nearly 20 percent drop in income over the last five years. If those who seek to advance the interests of historically marginalized groups continue with a political approach that emphasizes difference, the reality of the economic situation just described would ensure that the result would be division and backlash.

There is already evidence that such a backlash has begun to happen. During my time teaching at the University of Southern California Business School, I confronted scores of executive MBAs, primarily white men, who were nervous about their jobs. This insecurity led them to look for scapegoats. Not surprisingly, women and minorities were often the chosen scapegoats. The reality is, however, that these jobs are being lost to downsizing. It is not women and minorities who are taking jobs away from white men.

A superficial examination of the statistics might lead one to disagree with this last assertion. While the white male income has been dropping, women's income has continued to rise (although almost imperceptibly). But this fact can be easily explained. The jobs that the men have traditionally had, both blue collar and middle management, are the ones being eliminated. On the other hand, women's jobs—service jobs and the professional jobs that women are

moving into in greater numbers—are not the jobs that are being eliminated. Of course, women are also suffering. But the point I wish to emphasize here is that the general economic situation has generated a backlash that cannot be ignored.

And polarization is happening on multiple fronts. The younger generations are more likely to believe that UFOs exist than that they will ever get anything from the Social Security system into which they are now paying. They also do not believe that they will ever achieve their parents' standard of living, including owning a house. On the other side, however, older workers resent the way that younger ones are hired out of school because, perhaps, they will accept lower pay, or they have learned on the latest computers. Put more generally, economic anxiety is being expressed by all sides of the common divides: by the young and old, by men and women, by blacks and whites, and so on.

What does this mean for the women's movement? We cannot just say, "Keep the women and fire the men." Yet it would be foolish to underestimate the danger to women's empowerment if women do not have jobs. And in some sense it seems to me that the recent feminist focus on the attacks on abortion rights, on violence against women, and even on sexual harassment has been, in a way, focusing on symptoms of an even greater threat to empowerment. This threat is economic. It is the threat to women's jobs and, concurrently, is the threat posed by the backlash that is surely beginning. Put differently, even though we have on the books laws against discrimination based on gender (and age, race, handicap, etc.), is this going to be enough?

Thus it seems we are forced to look at this whole issue in more comprehensive, structural terms. We are going to have to talk about new economic values. We are going to have to talk about quality-of-life issues. We are going to have to consider, for example, shorter work weeks and flexible work structures as alternatives to downsizing. But the growing numbers of such contracted out, contingency, part-time, and temporary jobs would have to be covered by benefits, as they now are not. (Perhaps this would entail prorating benefits and/or making them portable.) Such approaches could meet the needs of women and men in the child-rearing years and would help people throughout life that have to combine further training, education, and

work. And older people who should not be pushed out altogether would welcome a less rigid schedule.

A shorter work week as a means to increase employment would seem, however, to run counter to today's trends. Most employers currently prefer to pay time-and-a-half overtime to full-time workers, rather than hire new people. They do this because of the cost of providing benefits for new workers. Thus, promotion of a shorter work week may require new thinking about the bottom line, new thinking about benefits. Labor Secretary Robert Reich has certainly been speaking in these terms when he talks about new definitions of American competitiveness. While competitiveness is an undeniable concern, what kind of competitiveness will it be if it simply destroys the standard of living of the American middle class?

There is evidence that men as well as women might welcome more control over their time. Polls have shown that flexibility and autonomy are valued as much as wage increases. These are not necessarily new ideas, but they have rarely been pushed forward as serious concerns, on either the collective bargaining or legislative fronts. And they have almost never been seriously considered by either the women's movement or people who deal with the problems of older people. Fortunately, there is some reason for hope. Auto workers have recently gone on strike against excessive compulsory overtime—despite the time-and-a-half or double-time pay that they receive—because they want to be able to spend more time with their families.

But any significant movement in this direction will require, first and foremost, a move beyond identity politics. Different groups must come to see that the fates of their agendas are linked and that progress will require adopting a new paradigm that places our differences in their proper perspective. This has begun to happen. At this very moment, I am working with Susan Bianchi-Sand (chair of the Council of Presidents of National Women's Organizations), economist Heidi Hartman, Cynthia Marano (executive director of Wider Opportunities for Women), and other women leaders organizing a new coalition with the AFL-CIO, the Grey Panthers, and student, church, and minority group leaders. We plan to speak out on income inequality in late April and then again on June 1 as we assemble to join Marian

Wright Edelman (president of the Children's Defense Fund) in the Stand for Children. Another meeting is being called for by the Grey Panthers and the National Student Association, who together have begun organizing a Coalition of the Generations. Their two-day summit will ask new questions about government and the budget, questions that transcend the rhetoric of intergenerational warfare. We need new slogans: "Beyond Greed—The Common Good."

Betty Friedan

The Power of Deliberation

An image permeates American history. Our country is large; we contain multitudes. At the same time as this image provokes some anxiety, it creates great opportunities. How can such a large, diverse citizenry resolve the moral and political disagreements among ourselves? In response to this anxiety-producing question, James Madison celebrated a conception of democracy that is even more relevant today—with our vastly expanded means of communication—than ever before. We call this conception deliberative democracy. The core idea is simple: When citizens and public officials disagree with each other, we should not resort to violence, power politics, or interest-group bargaining, but we should reason together to reach mutually acceptable decisions. Because political decisions are mutually binding, we should aspire to public reasoning that is mutually justifiable.

The aim of such reasoning is reciprocity, or fairness. The means is mutual respect.

What does it take for deliberative democracy to work? There are at least three challenges that the deliberative ideal poses for American politics today.

First and perhaps foremost is the challenge of educating our children to civic virtue. A successful civic education teaches the difference between acting in ways that take advantage of others, and

acting fairly, in a way that we can justify to each other. Civic education therefore cannot be morally neutral. Robert Frost quipped that a liberal is someone who cannot take his own side in an argument. Democrats must take our own side in the argument over civic education. Our democracy can flourish only if we educate our children to the common values of citizenship: toleration, nonviolence, honesty, hard work, and the distinctively democratic virtues of civic participation and mutual respect among all people who are part of the ongoing democratic quest for fair terms of social cooperation.

The second challenge is that of associating cooperatively as adults. “Each has his or her place in the procession,” Walt Whitman wrote about democracy in America. The democratic procession depends on our mutually cooperative efforts in many associations, families and friends, neighborhoods and clubs, companies and unions, professions and political parties. However, not all associations serve democracy well. The Michigan “citizens’ militia,” which teaches violence, distrust of difference, and disrespect of legitimate authority, is detrimental to democracy. But the vast majority of associations in this country serve as schools of deliberative democracy. We need to foster them, both by private and public efforts. In civic associations, we learn essential skills of democratic citizenship, to accommodate differences that are worthy of respect, and to economize on our moral disagreements. There is a role for everyone in fostering more and better civic associations. Citizens and public officials alike who demonstrate mutual respect and who practice an economy of moral disagreement help dispel the cynicism that too many people have developed toward the democratic ideal of helping each other help ourselves. Although disagreement is inevitable in a free society, a robust associational life coupled with an open democratic government enables us to resolve our disagreements in mutually respectful, cooperative ways.

To foster deliberative ways of resolving our disagreements, a third challenge must be met. We must work to counteract soundbite democracy, the antithesis of deliberative democracy. Soundbite democracy rewards the simplistic and the sensational; it punishes civility and denigrates fair compromises—which reciprocity often requires. For many years now, citizens have beseeched journalists as well as public officials to bring out the best rather than the worst in

each other. The point is decidedly not to limit freedom of speech or the press, but to recognize the responsibility that accompanies these great rights of American democracy. The rights presuppose our responsibility to pursue the best rather than pander to the worst in our politics.

Educate for civic virtue. Associate cooperatively. Speak responsibly and respectfully. When we put these deliberative ideals into practice, they have conspicuously positive effects on our politics.

Consider the mutually agreed upon aim of balancing the budget. Reciprocity calls on us not only to balance the budget but also to balance the burden of balancing the budget. Only if the burden is balanced can the decision be considered mutually acceptable.

Or consider another mutually agreed upon aim, that of ending “welfare as we know it.” A commitment to associating cooperatively asks us all to look for ways in which we can find jobs and make work pay for all Americans who are willing and able to work. Only if men and women can find work that pays can we expect associational life to flourish in this country. Associating together takes time, which citizens who are willing and able to work but who cannot make ends meet do not have.

Consider, finally, campaign finance. Unlike soundbite democracy, deliberative democracy depends on public officials having the time and being given the opportunity by the media to explain their positions thoroughly and thoughtfully with all Americans, rather than spending inordinate amounts of time raising money to run an effective campaign.

Working together, citizens and public officials can meet each of these three challenges of deliberative democracy if we use its means of mutual respect in education, civic association, and political deliberation. We have the capacity to seek fair terms of social cooperation, and it is this capacity that deliberative democracy encourages.

Amy Gutmann

Parental Filters

Congress enacted and President Clinton signed into law a requirement that TV manufacturers will have to equip their TV sets with a chip that would enable parents to screen out violent programs (the so-called “v-chip”). This approach is flawed both in principle and in practice.

In principle, even many liberal reformers agree that when the government identifies a social need that is not met by the private sector, it should encourage or require that the need be attended to, but not specify the techniques or technologies to be employed. The private sector should be left free to select the most efficient methods for meeting the social need. For instance, environmentalists previously demanded that smokestacks be equipped with scrubbers. Now, they tend to insist that the same factories reduce damaging emissions in whatever ways they deem fit. The same principle should apply to the TV “pollution” of gratuitous violence and smut. The White House and/or Congress should spell out what is needed, but should not specify which technology is to be applied. If this approach is followed, the v-chip is likely to be avoided because it is inferior to other technologies.

To enable parents to control what their children watch on TV, parents need a screening device that can discriminate among programs according to content, and that is low in cost, difficult to disable, and easy to operate. (Otherwise, the parents will find themselves calling on their youngsters to “make this thing work.”) Even those who do not mind government controls would rather find a mechanism that does not entail censorship. Parents should be able to screen out programs in line with their values rather than be forced to rely on a board set up by the industry or the government. (The new telecommunications law grants the broadcasting and cable industry one year to establish a rating system; if they do not, a five-member commission appointed by the president would take over the task.) By most of these considerations, the v-chip compares poorly to other blocking technologies that are now available or entering the market. Such technologies are already on the market for the Internet and cable TV. Prototypes are being issued for broadcast TV.

If the president's approach is followed, the v-chip will require parents to acquire a new TV that contains the new chip, or to install it in their old TV. (Manufacturers of new TV sets are already required to include a chip that can be encrypted for various purposes, including closed-captioning, and now, possibly, screening out objectionable programming.) Parents will be dependent on a board that will rate programs by criteria that are not their own. Most importantly, the v-chip requires the continuing cooperation of the broadcasting industry, which will have to include in all broadcasts a signal carrying the ratings required to activate the v-chip. All parents can do is to set the chip to screen out programs that have a v, n (for nudity), or some other such notation.

Compare the v-chip to a technology that I shall refer to as "parental filters," because I would rather not endorse a specific commercial product, and because several kinds of parental filters are being introduced into the market. (Details about these technologies can be found in a report on media rating by Mediascope in Studio City, California.) Parental filters work like a device widely relied upon by those unable to program their VCRs; it enables them to pre-select programs to be recorded by punching in five-digit numbers listed next to their favorite programs in many daily newspapers and TV guides. This device, sometimes referred to as "VCR Plus," entails no hard labor: once a user punches in a number, the device instructs the VCR to record the same show for as many weeks as desired. The parental filters rely on the same principle, but the other way around. Parents can punch in the same numbers, and the TV (if properly adapted) will *not* exhibit the undesired program. (Not surprisingly, this technology is sometimes referred to as "VCR Minus".) Blocking devices for cable TV and for the Internet are already being marketed.

Parental filters cannot be gridlocked in Washington; no congressional acts are required. There is no need or even room for a ratings board with a de facto monopoly on determining which programs are without redeeming merit versus those that are virtuous. Nor do the filters have to await the cooperation of the broadcasters. Parents are free to buy the device, if they are so inclined, and choose among TV shows according to their values, by using the numbers already published in television listings. Above all, parents will be able to screen out programs even if they are not violent or vile, but simply

deemed by them as unsuitable for their children. (In my household, we would block most programs broadcasted in the hours set aside for homework, reading, family dinners, and outdoor activities.) Guidelines are expected to be provided by a variety of bodies, ranging from churches and synagogues to associations of private schools. Those who have techno-phobia should realize that using this device is as easy as “dialing” a phone. The cost is sure to decline as parental filters move from prototype into mass production. Currently, though, the v-chip is much less costly.

In short, parental filters—unlike the v-chip—entail little government involvement, require no cooperation from broadcasters, and they are responsive to the parents’ ideas rather than to a single and limited set of ratings provided by a government-sponsored board. Above all, they are better at enabling parents to control their TV sets and thus discharge this part of their educational responsibility.

Amitai Etzioni

Toasting a Toaster

“Japanese weddings can be daunting affairs. Bosses and co-workers must be invited to an absurdly expensive party, they must be seated according to their rank, and they are required to give speeches that often barely mention the wedding couple while extolling the virtues of whatever brand of car or toaster or paint the groom’s company produces.”

The Washington Post, 10 February 1996

THEORY AND PRACTICE

The Politics of Community: Robert F. Kennedy versus Ronald Reagan

MICHAEL J. SANDEL

The political philosophy by which we live is a certain version of liberal political theory. Its central idea is that government should be neutral toward the moral and religious views its citizens espouse. Since people disagree about the best way to live, government should not affirm in law any particular vision of the good life. Instead, it should provide a framework of rights that respects persons as free and independent selves, capable of choosing their own values and ends. Since this liberalism asserts the priority of fair procedures over particular ends, the public life it informs might be called the procedural republic.

By the 1970s, this version of liberalism had become the reigning American public philosophy. The notion that government should be neutral among competing conceptions of the good life—in order to respect people's rights to choose their own values and ends—figured prominently in political discourse and constitutional law. The image of persons as free and independent selves, unencumbered by moral or political ties they have not chosen, found expression in politics, economics, law, philosophy, and the broader public culture. Older, republican understandings of citizenship and freedom did not disappear altogether but were now a minor strand in American public discourse.

But notwithstanding its liberating vision, the public philosophy of contemporary liberalism was unable to secure the liberty it promised. The triumph of the voluntarist conception of freedom coincided

with a growing sense of disempowerment. Despite the expansion of rights and entitlements, and despite the achievements of the political economy of growth and distributive justice, Americans found to their frustration that they were losing control of the forces that governed their lives. At home and abroad, events spun out of control, and government seemed helpless to respond. At the same time, the circumstances of modern life were eroding those forms of community—families and neighborhoods, cities and towns, civic and ethnic and religious communities—that situate people in the world and provide a source of identity and belonging.

Taken together, these two fears—for the loss of self-government and the erosion of community—defined the anxiety of the age. It was an anxiety that the reigning political agenda, with its attenuated civic resources, was unable to answer or even address. As disillusion with government grew, politicians groped to articulate frustrations and discontents that the reigning political agenda did not capture. Those who tapped the mood of discontent differed as sharply in their politics as George Wallace and Robert Kennedy, Jimmy Carter and Ronald Reagan. But for all their differences, those who succeeded all drew on themes that reached beyond the terms of contemporary liberalism and spoke to the loss of self-government and community.

CIVIC STIRRINGS: ROBERT F. KENNEDY

Of all the presidential candidates of recent decades who sought to articulate the inchoate frustrations that beset American politics, the one who offered the most compelling political vision was Robert F. Kennedy. The alternative he offered was drawn from the republican tradition of politics that contemporary liberalism had largely eclipsed. As attorney general under his brother, John Kennedy, and later as a U.S. Senator from New York, Robert Kennedy was widely identified with the version of liberalism that set the terms of political discourse in the 1960s. But in the last few years of his life, Kennedy became a trenchant critic of the assumptions underlying the American welfare state.

Kennedy observed that by the mid-1960s the federal government had largely fulfilled the agenda of liberal reform: “The inheritance of the New Deal is fulfilled. There is not a problem for which there is not

a program. There is not a problem for which money is not being spent. There is not a problem or a program on which dozens or hundreds or thousands of bureaucrats are not earnestly at work.” But despite the success of the liberal project, and perhaps partly because of it, Americans found themselves the victims of large, impersonal forces beyond their control. Kennedy linked this loss of agency to the erosion of self-government and the sense of community that sustains it.

Kennedy sought to redress the loss of agency by decentralizing political power. This marked a departure from the liberalism of his day. From the 1930s to the 1960s, liberals had viewed increased federal power as an instrument of freedom. The concentration of power in the national government and the expansion of individual rights and entitlements had gone hand in hand. Liberals defended the growth of federal power as essential to securing the basic rights of citizens—including civil rights and certain economic rights—against infringement by local majorities. Otherwise, they argued, local governments might act to deprive people of their rights, by allowing segregation, for example, or denying welfare benefits on illegitimate grounds. Those like Wallace, who opposed desegregation, or Barry Goldwater, who opposed social and economic entitlements, often called for states’ rights and local control as a way of opposing federal policies they disliked.

Robert Kennedy’s case for decentralization was different. Since he was an advocate of civil rights and federal spending to help the poor, his worry about federal power did not spring from opposition to the ends it served. Rather, it reflected the insight that even a realized welfare state cannot secure the part of freedom bound up with sharing in self-rule; it cannot provide, and may even erode, the civic capacities and communal resources necessary to self-government. In the mounting discontents of American public life, Kennedy glimpsed the failure of liberal politics to attend to the civic dimension of freedom.

In terms reminiscent of Louis Brandeis’s attack on “the curse of bigness,” Kennedy criticized the concentration of power in both the modern economy and the bureaucratic state. “Even as the drive toward bigness [and] concentration...has reached heights never before dreamt of in the past,” he told an audience in rural Minnesota,

“we have come suddenly to realize how heavy a price we have paid...in [the] growth of organizations, particularly government, so large and powerful that individual effort and importance seem lost; and in loss of the values of...community and local diversity that found their nurture in the smaller towns and rural areas of America... Bigness, loss of community, organizations, and society grown far past the human scale—these are the besetting sins of the 20th century, which threaten to paralyze our capacity to act.... Therefore, the time has come...when we must actively fight bigness and overconcentration, and seek instead to bring the engines of government, of technology, of the economy, fully under the control of our citizens.”

A politics of more manageable proportions was not only an idyll for rural America. It also informed Kennedy’s approach to the crisis of the cities. Underlying the plight of urban America, he told a Senate subcommittee, was “the destruction of the sense, and often the fact, of community, of human dialogue, the thousand invisible strands of common experience and purpose, affection and respect, which tie men to their fellows. It is expressed in such words as community, neighborhood, civic pride, friendship.”

In recent decades, Democrats who have evoked the ideal of community—from Lyndon Johnson to Walter Mondale and Mario Cuomo—have typically appealed to the national community. But Robert Kennedy doubted that the nation was a sufficient vehicle for the kind of community self-government requires: “Nations or great cities are too huge to provide the values of community. Community demands a place where people can see and know each other, where children can play and adults work together and join in the pleasures and responsibilities of the place where they live.” Such communities were disappearing in the modern world, leaving their inhabitants dislocated and disempowered. “The world beyond the neighborhood has become more impersonal and abstract,” seemingly “beyond the reach of individual control or even understanding....Cities, in their tumbling spread, are obliterating neighborhoods and precincts. Housing units go up, but there is no place for people to walk, for women and their children to meet, for common activities. The place of work is far away through blackened tunnels or over impersonal highways. The doctor and lawyer and government official are often somewhere else and hardly known. In far too many places—in

pleasant suburbs as well as city streets—the home is a place to sleep and eat and watch television; but the community is not where we live. We live in many places and so we live nowhere.”

THE POLITICAL ECONOMY OF CITIZENSHIP

In describing the ways in which crime and joblessness plague life in the urban ghetto, Kennedy emphasized their civic consequences. Beyond the physical danger it posed, the tragedy of crime was that it destroyed the public spaces, such as neighborhoods and communities, that are essential to self-government: “The real threat of crime is what it does to ourselves and our communities. No nation hiding behind locked doors is free, for it is imprisoned by its own fear. No nation whose citizens fear to walk their own streets is healthy, for in isolation lies the poisoning of public participation.” Similarly, the problem with unemployment was not simply that the jobless lacked an income but that they could not share in the common life of citizenship: “Unemployment means having nothing to do—which means having nothing to do with the rest of us. To be without work, to be without use to one’s fellow citizens, is to be in truth the Invisible Man of whom Ralph Ellison wrote.”

Drawing on the voluntarist conception of freedom, many liberals of the day argued that the solution to poverty was welfare, ideally in the form of a guaranteed minimum income that imposed no conditions and made no judgments about the lives recipients led. Respecting persons as free and independent selves, capable of choosing their own ends, meant providing each person as a matter of right a certain measure of economic security. Kennedy disagreed. Unlike many liberals, he did not draw his inspiration from the voluntarist conception of freedom. His primary concern was with the civic dimension of freedom, the capacity to share in self-government. On these grounds, he rejected welfare and a guaranteed income as inadequate.

Although welfare might alleviate poverty, it did not equip persons with the moral and civic capacities to share in full citizenship. Welfare was perhaps “our greatest domestic failure,” Kennedy argued, because it rendered “millions of our people slaves to dependency and poverty, waiting on the favor of their fellow citizens to write them checks. Fellowship, community, shared patriotism—

these essential values of our civilization do not come from just buying and consuming goods together. They come from a shared sense of individual independence and personal effort.” The solution to poverty was not a guaranteed income paid by the government but “dignified employment at decent pay, the kind of employment that lets a man say to his community, to his family, to his country, and most important, to himself, ‘I helped to build this country. I am a participant in its great public ventures.’” A guaranteed income, whatever good it might do, “simply cannot provide the sense of self-sufficiency, of participation in the life of the community, that is essential for citizens of a democracy.”

Kennedy’s proposal for bringing jobs to the inner city reflected his broader aim of restoring a political economy of citizenship. Rather than a government jobs program directed from Washington, Kennedy proposed federal tax breaks for businesses that opened plants in impoverished areas, an idea recently revived as “enterprise zones.” But Kennedy did not propose to rely on market forces alone. Even if tax incentives succeeded in prompting outside enterprises to invest in the ghetto, this would do little to give residents control of their communities. Kennedy therefore proposed the creation of Community Development Corporations, community-run institutions that would direct development in accordance with local needs. Such corporations might finance construction of low-cost housing, health clinics, parks, even shopping centers and movie theaters, and also arrange job training so that local workers could carry out the construction. The aim of the program was civic as well as economic: to help “the ghetto to become a community—a functioning unit, its people acting together on matters of mutual concern, with the power and resources to affect the conditions of their own lives.”

In one of the first major experiments along these lines, Kennedy enlisted government, corporate, and foundation support to launch a community development corporation in the Bedford-Stuyvesant section of Brooklyn, the second-largest black ghetto in the country. More than a project of economic development, Kennedy saw Bedford-Stuyvesant as “an experiment in politics, an experiment in self-government. Indeed, it is above all a chance to bring government back to the people of the neighborhood.” Kennedy recalled Thomas Jefferson’s proposal to regenerate civic virtue by dividing the country

into small political districts, or “wards,” within which Americans could take charge of their local affairs and learn the habits and the skills of citizenship. Community development corporations and other neighborhood bodies, given sufficient responsibilities and support, might be a way of translating Jefferson’s republican vision to modern times, of reversing “the growing accumulation of power and authority in the central government in Washington, and [returning] that power of decision to the American people in their own local communities.”

Alone among the major politicians of his day, Robert Kennedy diagnosed the disempowerment that afflicted American public life as a symptom of the erosion of civic practices and ideals. Partly as a result, Kennedy’s candidacy resonated across two constituencies of discontent—white ethnics and blacks—that since his death have often been at odds. In the Indiana primary, for example, he won 86 percent of the black vote and also swept the seven counties that had given George Wallace his greatest support in 1964. Once described as “the last liberal politician who could communicate with white working-class America,” Kennedy was in any case the only candidate of protest—from Wallace to Reagan to Jesse Jackson—who, in the words of Jack Newfield, “was able to talk to the two polarities of powerlessness at the same time.”

LIBERTARIAN VERSUS COMMUNAL CONSERVATISM: RONALD REAGAN

In the 1980s, Ronald Reagan won the presidency by speaking to the frustrations that Americans felt toward government and politicians. He campaigned as an outsider to Washington who would restore American confidence and pride. But in the end, his presidency did little to change the conditions underlying the discontents he tapped as a candidate. His attempt to diagnose these discontents sheds light nonetheless on the political condition we still confront.

Ronald Reagan was elected on the promise to restore American mastery. Unbound by the strictures of the procedural republic, his rhetoric resonated with the ideals of self-government and community. For a time, his appeal to American pride and resolve, combined with the salubrious effects of economic recovery, seemed to reverse the trend toward ever-increasing disillusion with government. The

policies he advanced, however, did not attend to the features of modern life that posed the gravest threats to the prospect of collective agency and the fabric of community. The “morning in America” proclaimed in Reagan’s gauzy campaign commercials of 1984 proved a false dawn, and by the end of the 1980s Americans’ frustration with their political condition continued to mount.

Although Reagan ultimately failed to allay the discontent he tapped, it is instructive nonetheless to consider the source of his appeal and the way it departed from the reigning terms of political discourse. Reagan’s achievement was to bring together in a single voice two contending strands in American conservatism. The first, the libertarian or laissez-faire conservatism of Barry Goldwater and Milton Friedman, holds that people should be free to do as they please as long as they do not harm others. This is the conservatism that celebrates the “free market” and talks of getting government out of people’s lives. It rejects the notion that government should form the character of its citizens, and so fits comfortably with the assumptions of the procedural republic. Rather than seek to cultivate virtue, this conservatism affirms the voluntarist conception of freedom. As Reagan once declared, in his libertarian voice, “We believe that liberty can be measured by how much freedom Americans have to make their own decisions—even their own mistakes.”

The second strand of Reagan’s conservatism fit uneasily with the first and gestured beyond the terms of the procedural republic. This part of his politics evoked a civic or communal ethic favored by cultural conservatives and the religious right. Where libertarian conservatives reject the formative project, communal conservatives believe government should attend to the character of its citizens. The first seek a greater role for markets in public life, the second a greater role for morals.

Reagan drew, in different moods and moments, on both the libertarian and communal strands of American conservatism. Like Goldwater, he viewed the welfare state as a violation of individual liberty and rejected the notion that public assistance was a right or entitlement of the needy. But for all his talk of individual liberty and market solutions, it was the communal strand of Reagan’s politics that enabled him to speak to the discontents of the time. The most

resonant part of his political appeal lay in his skillful evocation of communal values—of family and neighborhood, religion and patriotism. What set Reagan apart from laissez-faire conservatives also set him apart from the liberal public philosophy of the day. This was his ability to identify with Americans' yearnings for a common life of larger meanings on a smaller, less impersonal scale than the procedural republic provides.

Reagan spoke to the loss of mastery and the erosion of community. Challenging Republican incumbent Gerald Ford in 1976, Reagan criticized those "in our nation's capital [who] would have us believe we are incapable of guiding our own destiny." His 1980 presidential campaign was above all about mastery, about countering the sense of powerlessness that afflicted the Carter presidency. "The prevailing view in America is that no one is in control," Reagan's pollster observed. "The prevailing impression given by the White House is that no one can be in control." The Reagan campaign would "convey the clearest possible message that Reagan stands for leadership and control."

Accepting his party's nomination in 1980, Reagan denounced the view "that our nation has passed its zenith." He rejected the notion that "the federal government has grown so big and powerful that it is beyond the control of any president." And he expressed alarm that the main question for American foreign policy was "no longer, 'Should we do something?', but 'Do we have the capacity to do *anything*?' In a world that seemed to defy human agency and control, Reagan promised to rekindle the American spirit, to reassert "our national will and purpose," to "recapture our destiny, to take it into our own hands."

Reagan linked the sense of disempowerment with the erosion of community and the unraveling of those sources of moral authority and shared identity intermediate between the individual and the nation. Campaigning for the 1976 Republican nomination, Reagan called for "an end to giantism, for a return to the human scale—the scale that human beings can understand and cope with; the scale of the local fraternal lodge, the church congregation, the block club, the farm bureau." In terms reminiscent of Brandeis, Reagan praised the "locally owned factory, the small businessman, who personally deals

with his customers and stands behind his product, the farm and consumer cooperative, the town or neighborhood bank that invests in the community, the union local.... It is this activity on a small, human scale that creates the fabric of community.”

Reagan’s 1980 Republican platform elaborated this theme. It pledged to “reemphasize those vital communities like the family, the neighborhood, [and] the workplace” that reside “between government and the individual,” and to encourage the “rebirth of citizen activity in neighborhoods and cities across the land.” During his presidency Reagan spoke repeatedly of restoring “the values of family, work, neighborhood, and religion.” Announcing his candidacy for reelection in 1984, he declared: “America is back and standing tall. We’ve begun to restore great American values—the dignity of work, the warmth of family, the strength of neighborhood.”

Reagan blamed big government for disempowering citizens and undermining community: “Our citizens feel they’ve lost control of even the most basic decisions made about the essential services of government, such as schools, welfare, roads, and even garbage collection. And they’re right.” He also claimed that big government contributed to crime and moral decay by crowding out the institutions of civil society that had in the past “shaped the character of our people.” Citing commentators who stressed the need for such mediating institutions, he argued that government had “preempt[ed] those mitigating [*sic*] institutions like family, neighborhood, church, and school—organizations that act as both a buffer and a bridge between the individual and the naked power of the state.”

Reagan’s solution was a “New Federalism” that would shift power from the federal government to states and localities. A revitalized federal system would restore people’s control over their lives by locating power closer to home. A less intrusive national government would leave room for local forms of community to flourish. Meanwhile, a Task Force on Private Sector Initiatives would explore ways to promote private charity and community service.

The communal strand of Reagan’s politics recalled the long-standing republican worry about concentrated power. But Reagan revived this tradition with a difference. Previous advocates of republican political economy had worried about big government and big

business alike. For Reagan, by contrast, the curse of bigness attached to government alone. Even as he evoked the ideal of community, he had little to say about the corrosive effects of capital flight or the disempowering consequences of economic power organized on a vast scale. As Christopher Lasch observed, "Reagan's rhetorical defense of 'family and neighborhood' could not be reconciled with his championship of unregulated business enterprise, which has replaced neighborhoods with shopping malls and superhighways." For all his invocation of tradition, "his program aimed to promote economic growth and unregulated business enterprise, the very forces that have undermined tradition."

COMPETING VISIONS OF COMMUNITY

For their part, Reagan-era Democrats did not challenge Reagan on this score, nor did they otherwise join the debate about community and self-government. Tied to the terms of rights-oriented liberalism, they missed the mood of discontent. They criticized Reagan's economic policy for favoring the rich, but failed to address Americans' larger fears that they were losing control of their lives and that the moral fabric of community was unraveling around them. At times, Democrats seemed determined to avoid moral concerns altogether, as when Michael Dukakis said of his 1988 campaign against George Bush: "This election isn't about ideology. It's about competence." When Democrats did articulate the moral vision underlying their politics, they spoke mostly of fairness and distributive justice. Returning to the familiar terms of debate between Democrats and Republicans, they argued that Reagan had given "his rich friends enough tax relief to buy a Rolls-Royce" and then asked the average American "to pay for the hub caps."

In the face of Reagan's potent appeal, these complaints, valid though they were, lacked the moral or civic resonance to inspire. Sensing this lack of resonance, Democrats sometimes cast their case for fairness in communal terms. Both Walter Mondale, Reagan's 1984 Democratic challenger, and New York Governor Mario Cuomo appealed to the ideal of national community and the ethic of sharing that it implied. Both drew, as Lyndon Johnson had done, on the metaphor of the nation as a family. "Let's be a community," Mondale

declared, “a family where we care for one another. Let us end this selfishness, this greed, this new championship of caring only for yourself.” In his keynote address to the 1984 Democratic convention, Cuomo argued that the nation’s moral purpose could be found in “the idea of family,” which meant sharing benefits and burdens for the good of all: “We believe we must be the family of America, recognizing that at the heart of the matter we are bound one to another, that the problems of a retired schoolteacher in Duluth are *our* problems. That the future of the child in Buffalo is *our* future. The struggle of a disabled man in Boston to survive, to live decently, is *our* struggle. The hunger of a woman in Little Rock *our* hunger.”

By the 1980s, however, the ideal of national community had lost its capacity to inspire, at least for purposes of distributive justice. Reformers since the turn of the century had sought, sometimes successfully, to cultivate a deeper sense of national community. But now the nation proved too vast to sustain more than a minimal commonality, too distant to summon the enlarged social sympathies a more generous welfare state required.

Nor was it suited to answer the rising discontent. The anxieties of the age concerned the erosion of those communities intermediate between the individual and the nation, such as families and neighborhoods, cities and towns, schools and congregations. American democracy had long relied on associations like these to cultivate a public spirit that the nation alone cannot command. As the republican tradition taught, local attachments can serve self-government by engaging citizens in a common life beyond their private pursuits, by forming the habit of attending to public things. They enable citizens, in Alexis de Tocqueville’s phrase, to “practice the art of government in the small sphere within [their] reach.”

Ideally at least, the reach extends as the sphere expands. Civic capacities first awakened in neighborhoods and town halls, churches and synagogues, trade unions and social movements, find broader expression. For example, the civic education and social solidarity cultivated in the black Baptist churches of the South were a crucial prerequisite for the civil rights movement that ultimately unfolded on a national scale. What began as a bus boycott in Montgomery later became a general challenge to segregation in the South, which led in

turn to a national campaign for equal citizenship and the right to vote. More than a means of winning the vote, the movement itself was a moment of self-government, an instance of empowerment. It offered an example of the civic engagement that can flow from local attachments and communal ties.

But the public philosophy of Reagan-era Democrats lacked the civic resources to answer the aspiration for self-government. Democrats, once the party of dispersed power, had learned in recent decades to view intermediate communities with suspicion. Too often such communities had been pockets of prejudice, outposts of intolerance, places where the tyranny of the majority held sway. And so, from the New Deal to the civil rights movement to the Great Society, the liberal project was to use federal power to vindicate individual rights that local communities failed to protect. The individual and the nation advanced hand in hand.

This unease with the middle terms of civic life left Democrats ill-equipped to attend to the erosion of self-government. The conception of national community they affirmed bore only a distant relation to the republican tradition. For them, community mattered not for sake of cultivating virtue or equipping citizens for self-rule, but rather for the sake of providing a rationale for the welfare state. Detached from the formative ideal of the republican tradition, it offered a way of explaining why the pursuit of economic growth should be tempered by certain distributive concerns. But it offered no way to reinvigorate civic life, no hope for reconstituting the political economy of citizenship.

The civic and communal strand of Reagan's rhetoric enabled him to succeed, where Democrats failed, in tapping the mood of discontent. But in the end Reagan's presidency did little to alter the conditions underlying the discontent. He governed more as market conservative than as civic conservative. The less fettered capitalism he favored did nothing to repair the moral fabric of families, neighborhoods, or communities. The "New Federalism" he proposed was not adopted, and in any case did not address the disempowerment that local communities—and even nations—now confronted as they struggled to contend with global economic forces beyond their control. And while economic growth continued in the 1980s, spurred

partly by massive federal deficits, the fruits of that growth were no longer widely shared. In the decades after World War II, when Americans could believe they were the masters of their destiny, the gains from economic growth had reached across the economic spectrum. From 1979 to 1992, by contrast, 98 percent of the \$826 billion increase in household incomes went to the top fifth of the population. Most American families lost ground. Not surprisingly, Americans' frustration with politics continued to mount.

By Deana Gottschalk.

Can Associations of Businesses Be True Community-Builders?

JAMES TRAUB

Eleven years ago, the area around Grand Central Terminal, in the heart of New York City, was a dismal symbol of urban decline and a constant reminder of the nonchalance toward public life that separates New York from the world's other great cities. Garbage flowed over the tops of trash bins and down onto the sidewalk; graffiti stained the walls; purse snatchings were routine. The only reason to walk into Bryant Park, a couple of blocks down the street, was to buy loose joints. And as many as a thousand homeless people—probably the largest concentration in the city, or even the country—pan-handled on the streets and often slept in the terminal. Hundreds lined up on Vanderbilt Avenue every evening to receive sandwiches. I used to volunteer in that line, and what I recall is the stale smell of the food and the people, the shoving and the occasional fights, the derisive or frightened stares of commuters hurrying to the station. It all seemed so futile, and so demeaning.

That was then. If you spend much time around Grand Central now, you will notice workers in white uniforms—mostly young black men—emptying garbage cans, sweeping the sidewalks, and putting a fresh coat of paint on crosswalks and street lights. Their shirts say “Grand Central Partnership,” as do newspaper boxes, trash baskets, and the barricades marking areas slated for repairs. The Partnership is a group of local businessmen, organized into what is known as a business-improvement district, or BID, and since 1985 it has been spending millions of dollars a year to improve the neighborhood. The Partnership pays for a 50-man security force, which has reduced crime in the area almost by half over the last decade. And there are very few homeless people living on the street. The Partnership has established a drop-in center for the homeless at an old parochial

school—St. Agnes, on East 44th Street. St. Agnes offers food and a place to sleep—on plastic chairs, to be sure—and also counseling, job-readiness training, and housing placement. One evening recently, I sat in the basement cafeteria and watched about 200 homeless people file in, pick up trays of baked chicken, rice, and creamed corn, and sit down at tables for a quiet meal. The contrast with Vanderbilt Avenue was stupefying. Dallas McCray, a staff member who was formerly homeless herself, surveyed the room with a smile and said, “Notice how violent it is?”

It was a joke, but a joke with a barb. Last April, *The New York Times* reported that “goon squads” operating within the Partnership’s homeless-outreach program “threatened, bullied and attacked homeless people to force them from doorways, bank vestibules, plazas and sidewalks all over Manhattan.” Former employees alleged that the head of outreach had known of and sanctioned the abusive tactics. Suddenly, the Partnership sounded less like a new vision of urban reform than like a racketeering enterprise. The Department of Housing and Urban Development withdrew a grant of \$547,000; the Manhattan District Attorney’s Office opened an investigation; the editorial pages issued stern warnings. Scarcely anyone rallied to the Partnership’s side. In the course of its good works, it turned out, the group had trampled on toes all over town. “There are some smiles around the table,” the director of another business-improvement district says.

The smiles are bound to fade soon, since the accusations threaten to discredit not only the Partnership’s work but also that of other BIDs. And in New York, where urban reform is much discussed and only rarely practiced, that would constitute an even greater shame than what the Partnership is accused of.

ALTERNATIVES TO THE WELFARE STATE

In a speech before the Association For A Better New York in March of 1995, House Speaker Newt Gingrich singled out the Grand Central Partnership for praise, and offered it as an instance of an alternative to “the welfare state.” He described BIDs as “local, voluntary, get-together organizations,” which is a rather folksy version of the truth. Unlike traditional neighborhood associations,

BIDs, which are chartered by state law, have the power of mandatory taxation. Once formed by a majority vote of property owners in a given area, a BID raises the money for local improvements through a special assessment on real estate, usually around 10 cents per square foot. And in New York City, where municipal government has increasingly shrunk from its traditional core functions of sanitation and security, BIDs have become almost a craze. The city now has 33 of them, with more applying for approval, and they have made the city cleaner, safer, and more charming. “If you believe that midtown Manhattan has improved in recent years, it’s mostly attributable to the business-improvement districts,” says Nicholas Fish, the chairman of Community Board Five, which spans midtown.

BIDs have often proved more effective than government in part because they can operate without bureaucracies, entrenched interests, electoral calculations, or even ideology. They offer the virtues of the private sector without the corrupting influence of the profit motive. And yet BIDs are not simply collections of citizens, as Gingrich implies. They are controlled by the property owners who finance them and largely make up their boards. The public, in effect, has to depend on the BIDs’ sense of enlightened self-interest. Gretchen Dykstra, the president of the Times Square BID says, “We control money, we get things done, and we are outside of democratic oversight and accountability.”

People like Dykstra tend to be acutely sensitive to the BIDs’ hybrid nature. In order to avoid any conflict, or even any appearance of conflict, between the interests of their founders and those of the public, they err on the side of modesty, refusing to venture outside their districts or to operate far from their main activities of security and sanitation. They generally do not do things they might be good at, like outreach to the homeless. “Even if you have a progressive board, as I have, its priority is to get somebody off the sidewalk, because it hurts business,” Dykstra says. “The social-service agencies might say that it’s not healthy for these people to live on the street, but their boss, as it were, is the homeless person.” Dykstra retains a homeless organization to do her BID’s outreach work.

The Partnership is a different breed of animal from the typical BID—bolder and more entrepreneurial, less preoccupied with checks

and balances. It is one of only two BIDs to have floated its own bonds—the other being the 34th Street Partnership, with which it shares a chairman and a president—and it uses the proceeds of the \$32 million issue to make capital investments in the area around Grand Central, including new street signs and traffic lights and the installation of period street lights and pink granite handicapped-accessible curbs at corners. The BID spent \$2.7 million putting up floodlights to illuminate the facade of Grand Central Terminal; it plans to spend as much as \$3 million turning an area just south of the terminal, known as Pershing Square, into a pedestrian mall and park. Peter Malkin, the chairman of the Partnership and a major real-estate figure, who, along with Harry Helmsley, controls the 115-year master lease on the Empire State Building, says grandly, “I think more has been done for the city of New York by these programs than by any other program that has been put into effect since the decline of the city as a service provider.”

The Partnership has not hesitated to offer its advice far beyond its own boundaries. Not only has it provided homeless-outreach services in the Grand Central area but it has also contracted those services out to banks and nonprofit agencies; at one point, it even proposed a plan to clean an outer-borough highway. Dan Biederman, the Partnership’s president, has shown a flair for empire building: he now heads three BIDs. He submitted proposals to two others, but both were rejected. After the organizers of the Times Square BID turned him down, he is reported to have tried to organize a counter-BID of his own (a charge that Biederman denies). This is considered profoundly unBIDlike behavior, and Arthur Sulzberger, Jr., the publisher of the *Times*, who was the founding chairman of the Times Square BID, was furious when he heard that Biederman had gone behind his back.

The Partnership is also unusual among BIDs in its indifference to democratic oversight and accountability. One board member, Mary Holloway, executive director of the Association For A Better New York, describes a typical board meeting as “You get reams of paper and everyone votes yes.” Perhaps the focus on ends rather than means helps explain the Partnership’s record of success; but other BIDs have proved that it is possible to be both accountable and effective. The Times Square BID, for example, has made its famously

scrofulous neighborhood vastly cleaner and safer, a transformation which has clearly helped persuade companies like Disney to invest in the area. People in other BIDs routinely contrast “the Times Square model”—democratic, board-driven, carefully defined—with “the Grand Central model,” which is regularly described as secretive, expansionist, and utterly dominated by its chairman and its president. Earlier last year, BID managers formed a committee on ethical standards and accountability. “The purpose is to show the community that there are BIDs out there that are very conscious and very concerned about what the public thinks,” Robert Walsh, the executive director of the Fourteenth Street BID, says. The democratic process may well be inefficient, but it is dangerous to exalt effectiveness above all other goals, including the consent of the governed. “Sooner or later,” one board member says, “that kind of contempt for process catches up with you.”

COMPETING INTERESTS

For all its ambition, the Partnership apparently backed into its work with the homeless. Dan Biederman recalls that before the BID was formed David Dinkins, then the Manhattan Borough President, had insisted that it deal with the rising tide of homeless people in and around Grand Central. The Partnership leased St. Agnes and brought in a church group to provide services. The arrangement did not work out, and in 1989 the Partnership formed its own social-services corporation. At the time, the Coalition for the Homeless was operating a sandwich line on Vanderbilt Avenue, and it agreed to move indoors to St. Agnes.

The Partnership began venturing into uncharted territory when it developed its own outreach team, whose job was to persuade the homeless to leave the streets and seek services at St. Agnes. Outreach is generally considered to be a painstaking business. Avoiding harm is almost more important than doing good. Workers are extensively trained and often credentialled. A team may consist of a psychiatric nurse, a professional outreach worker, and a “peer counselor”—a formerly homeless person who has himself overcome addiction and other problems. The members expect to spend days, or even weeks, quietly persuading a homeless person to seek services.

It is hard to imagine the Partnership abiding by such modest standards, and it did not. The BID fielded a virtual army of outreach workers, all of them former or current homeless people. "We knew this was a potentially dangerous thing," Biederman concedes. But Jeffrey Grunberg, the executive director of the Partnership's Social Services Corporation, feels strongly, even now, that the dangers have been overrated. "Our guys are as gentle as any other group trying to reach out to very troubled people," he says. Grunberg argues that nobody can connect with the homeless as well as people who have come from the streets themselves. And he also sees work in general, and outreach work in particular, as a profound form of therapy for the homeless, even those still addicted to drugs or alcohol.

Grunberg, who is completing a dissertation in sociology, often sounds like the last holdout for cold fusion. Scarcely anyone in the field thinks he is right. "To use fresh homeless people for any purpose other than focusing on their treatment is abusing them," says Eric Roth, the executive director of the BRC Human Services Corporation, which offers psychiatric and substance-abuse treatment. Yet the low rate of success of orthodox outreach efforts argues that the traditional canons of propriety may not actually be doing much for the homeless. And since over the last seven years St. Agnes has found full-time jobs for almost 400 formerly homeless people, and permanent homes for almost 600, Grunberg cannot be all wrong. His theories seem no worse than eccentric, and certainly not exploitative.

The Partnership really did invite trouble, though, when it agreed, in 1990, to provide outreach services for banks and neighborhood groups. I asked Biederman if the issue had been debated by the board. He said that debate had not seemed necessary. "If it's a more humane approach than the banks are going to take," he said, "who would be against it?" One answer would be "Everyone else in his position." The banks, after all, were signing up for an alternative security service: their ultimate objective was not to treat the homeless but to see them removed from ATM vestibules. And it is a cardinal principle of outreach that you do not move the homeless against their will—not because they have a right to occupy private property (they do not), but because it defeats the purpose of getting them to seek treatment. An independent board member of the Social Services Corporation might have pointed out this elementary fact. But there was no such

board member; the corporation was effectively controlled by the Partnership.

GOON SQUADS?

By now, the Partnership and its accusers have splattered one another with so much mud that it has become almost impossible to take anyone's credibility seriously. The Partnership has responded to allegations of organized abuse by accusing the Coalition for the Homeless, which assiduously collected many of the charges and brought them to the attention of reporters, of conducting a vendetta. Peter Malkin and other Partnership officials have publicly repeated dubious allegations of racism and anti-Semitism on the part of a volunteer for the Coalition who says he witnessed one incident. The Coalition, on the other hand, has made the Partnership out to be some sort of appalling juggernaut, though doing that has not been difficult, given the BID's reputation. The two groups were at each other's throats well before the accusations surfaced. In July of 1994, the Coalition took its feeding program out of St. Agnes and back to the street. A Coalition official described St. Agnes to me as "a hellhole," rife with drug use and the threat of violence.

Where does the truth lie? There is a good reason to be skeptical of the accounts in the *Times*. Two out of four former outreach workers who volunteered tales of abuse had been fired, on separate occasions, for stealing Partnership vehicles. The Partnership claims to have no record at all of one of the others. The fourth, Ernest Montgomery, who is the most credible of them, agreed to meet with me a few weeks ago in Tompkins Square Park; he now has an apartment nearby. Montgomery stands six feet four, is a former boxer, and is still in good shape at 32. He had been sent out to the streets with no training, he said, and with instructions emphasizing security, not outreach. "What our job was was to keep the homeless from sleeping in the vestibule and keep them from panhandling," he said. "There was some people that we could deal with, and there was some knuckleheads. One guy pulled a razor out on me; I knocked him down 20 stairs." Montgomery insisted that he had been part of a goon squad; he said that when he told Frank Schiazza, then the associate director of outreach, about these incidents, "he would smile."

Schiazza himself denies every element of Montgomery's account. He says that he always told new recruits, "If any one of you guys hurt somebody, it would really bring us down." Schiazza says that he drew a sharp line between persuasion and force, but it is easy to see how Montgomery and others might have confused the banks' objectives with those of the Partnership. In a report commissioned by the Partnership, Robert Hayes, a founder of the Coalition for the Homeless, contends that the Partnership compromised its outreach mission by its contracts with banks. Grunberg's blithe confidence in the homeless compounded the problem. Ernest Montgomery was only weeks from the streets, and was still using drugs. He and the others had been sent out into the streets with virtually no training. Perhaps outreach was good treatment for them, but that did not mean they were ready to do it. Hayes points to instances of outreach workers panhandling bank customers, or themselves bedding down in an ATM area. Hayes recommended that the Partnership hire an experienced group to conduct its outreach work, as the Times Square BID has done; and the Partnership has acquiesced.

The chief allegation against the Partnership, however, was not that it ignored a potential conflict but that it actively or tacitly encouraged a pattern of abuse. The dozen or so outreach workers I spoke with viewed the "goon squad" claim as a fabrication, and also as a grave personal insult; they saw their work in precisely the redemptive terms that Grunberg had laid out. James Lewis, who looked less like a goon than like a fourth-grader on graduation day (white shirt, red tie, big glasses, black cap, gap in his front teeth), said, "Black and Sylvester [two of the accusers] went through the whole program with me. There was no beat they went through that I didn't monitor. If they're saying, 'We were part of a goon squad,' that means *I* was part of a goon squad. And that's a blatant lie." In his report Hayes calls the allegation of goon squads "fanciful," and adds, in a barely veiled criticism of his former colleagues at the Coalition for the Homeless, that it "reeks of demagoguery." Moreover, nearly all ATMs have video cameras, yet no evidence of abuse was captured on tape. The Partnership's largest client, Chase Manhattan, has reviewed tapes from 50 ATMs without finding a single untoward incident.

In addition, the theme that runs through the allegations against the outreach program—that the Social Services Corporation is too narrowly focussed on clearing the streets to bother with the legitimate concerns of the homeless—is belied by St. Agnes. Hayes gives high marks to the center’s housing and employment program, and expresses something like wonderment at its “comparative serenity.” Of the nine people I talked to at dinner one evening, none had seen a fight or any drug use, at least inside the building, in recent years. Ralph Thomas, a gaunt, bearded man, said that he had left his clothes on a chair during the day and found them there that evening. After only three days of sleeping on the chairs, he had been directed to a church, and would be sleeping on a cot there that night.

After dinner I walked outside and met a Black Muslim who goes by the name of Mustapha. A big man in a black knitted cap, Mustapha told me that over the years he had been back and forth to St. Agnes, and had been helped there with housing and detox referrals. “Even when I’ve messed up and turned back, they’ve never turned me away,” Mustapha said. Frank Schiazza had offered him a job, but problems that Mustapha did not care to specify had intervened. “I have a great deal of respect for Frank,” Mustapha said. And, as if that were not testimonial enough, he added, “I’ve never run across a place that’s actually willing to help homeless people, like this place.”

GOOD INTENTIONS, AND LESSONS TO BE LEARNED

On balance, the Partnership’s programs have done a great deal more for the homeless than the Coalition’s sandwiches, and possibly its advocacy. One afternoon, I stood outside of St. Agnes and listened to Jeffrey Grunberg deliver a passionate, buttonholing defense of his work. Finally, he cried out, “I *know* our intentions are good, and we’re trying our best to help a lot of people.” Grunberg could not fathom why the world would not credit his good intentions. But the Partnership has a perverse gift for making its intentions look worse than they are—a consequence, perhaps, of its outsized pride in its own benevolence. And now it is paying the price of its high-handedness—in lost HUD funding and, more lastingly, in lost prestige.

In retrospect, the Partnership can be seen to have performed an indispensable function: It has tested the limits of a powerful new idea.

It has served as both an example and a counter-example. Perhaps we should be as grateful for its blunders as for its achievements.

Value and Values: Whom Should Corporations Serve?

NELL MINOW

Should the Chicago Cubs play night baseball games? Perhaps the more important question is, who should decide whether the Chicago Cubs play night games? What factors should be considered? Whose interests should be considered? Whose values should determine the outcome? How are these decisions made?

In 1968, shareholders of the Wrigley Corporation sued the company and its directors for failing to install lights in Chicago's Wrigley Field. The Cubs were the last professional team to have lights in their baseball stadium. If the field had lights, the Cubs could play at night, when revenues from attendance, concessions, and radio and TV broadcasts were the greatest. The shareholders argued that the sole reason for failing to install the lights was the personal opinion of William Wrigley, the president of the company that owned the team. He refused to allow lights to be installed because he said that baseball was a daytime sport, and that night games would lead to the deterioration of the neighborhood.

"Thus," the shareholders' complaint concluded, "Wrigley and the directors who acquiesced in this policy were acting against the financial welfare of the Cubs in an arbitrary and capricious manner, causing waste of corporate assets. They were not exercising reasonable care or prudence in the management of the corporation's affairs." The shareholders argued that in going to the public markets for capital, the company had made an unbreakable commitment to make every legal effort to maximize returns. Aesthetics about the nature of the game were not supposed to be a factor. Neither were concerns about the community that the community itself had failed to address by imposing zoning or other restrictions. Indeed, in the absence of these restrictions, it could be fair to assume that the community

would welcome the night games as a source of entertainment and revenue.

The court ruled against the shareholders. As long as the decision was made “without an element of fraud, illegality, or conflict of interest, and if there was no showing of damage to the corporation, then such questions of policy and management are within the limits of director discretion as a matter of business judgment,” the court ruled. Wrigley Field did not get lights until 20 years later, when the Cubs were owned by someone else.

If an undisputed showing of lost revenues does not constitute “damage to the corporation,” what does? If it does not constitute damage, then what is the corporation? When the directors and officers of a public corporation are making decisions, whose interests do they consider? Is it up to the corporation to make decisions about the welfare of the community that the community itself has failed to address? If so, on what authority? What is or should be the recourse if the community disagrees?

In order to answer these questions, we must agree on what we want to achieve with the corporate structure. Corporations are traditionally spoken of as created to maximize the wealth of investors, and the classic defining characteristics of a corporation—the limited liability and ease of transferability for investors, the “legal personality” that allows them to exist through the passing of generations—are designed for that purpose. Most of the court rulings during the takeover era of the late 1980s appeared to be based on the premise that the only duty of directors was to maximize shareholder value.

But in fact corporations have a number of “constituencies,” including shareholders, bondholders, employees, lenders, suppliers, customers, and the surrounding community. Nearly every decision affects different constituencies differently. Shutting down an obsolete manufacturing facility may be good for investors (including the company’s own retired employees) but bad for the current employees and the community. Meeting maximum allowable levels of pollution may benefit the shareholders to the detriment of the community. Developing an expensive “orphan drug” to treat a deadly but not widespread disease benefits consumers, but not investors. And so on.

Everyone falls into at least one of the categories of “corporate constituent.” Generally, each group thinks its concerns should be paramount, at least on those issues that affect it the most. This is complicated further because most of us fall into more than one—we are employees of one company, neighbors of several, consumers and investors for dozens, even hundreds. Over the last decade, this argument has sometimes been characterized as a battle between shareholders (owed, at least in legal theory, the primary obligation of the corporation’s officers and directors) and “stakeholders,” the other groups whose lives are affected, even defined by the corporation. Can corporate managers and directors balance these concerns? Do they?

AVOIDING RESPONSIBILITY

A careful review of corporate behavior shows a disturbing tendency in management to impose as many costs on others (including its constituencies) as possible, and at the same time resist meaningful accountability. Consider the situation related by Robert Monks in *Power and Accountability*:

I was driving through Maine one late summer day when I stopped to admire a river running through a pretty wooded area. I noticed big, slick bubbles of industrial discharge corroding the vegetation along the riverbank, and I wondered: Who wants this to happen? Not the owners of the company, the shareholders. Not the managers or employees, who want to live in a healthy environment. Not the board of directors, not the community, not the government. I could not think of anyone connected with the company emitting the effluent who wanted the result I saw. This was the unintended consequence of the corporate structure. The very aspects of the corporation’s design that made it so robust, to be able to survive changes in leadership, in the economy, in technology, were the aspects that led to this result—pollution that no one wanted, and everyone would pay for.

He went on to wonder, if no one wanted that result, who was responsible for it? Ultimately, he concluded that it was he, himself. He was chairman of a trust company with over \$7 billion in assets. One of his duties was voting the proxies sent to shareholders by corporations like the one that polluted the river. He was not a shareholder, but he was managing money for individuals and institutions like pension

funds, making decisions on their behalf about what stocks should be in their portfolios. The beneficial holders, the real owners of the stock, did not know what stocks they held, much less how the trustee was voting on their behalf. Like all other trustees, he was routinely voting with management, in this case the same management that allowed the river to become so polluted.

Such remote ownership contrasts with the original concept of the “public” corporation, which envisioned a limited but meaningful oversight role for shareholders. In *Main Street and Wall Street*, published in 1926, a father explained this idea to his son:

Now, Junior, before you go to college I want to give you my investment in the Boothbay Harbor Electric Light Company. This concern serves our old neighbors and friends, and I want you to feel a continuing interest in, and a responsibility for, our share in this local enterprise. If properly managed it should be a benefit to this community; and it will yield you an income to be applied to your education through the next few years. But you must never forget that you are partly responsible for this undertaking.

What sense of responsibility is there in today’s shareholders? Large corporations have literally millions of constantly changing shareholders. Half of them own the stock through institutions like trust companies, pension funds, mutual funds, or money market accounts. These “owners” make no investment decisions; they do not even know what is in their portfolio at a given time. Even those investors who do select their stocks have no way to get in touch with other investors, as concerns about privacy and transferability have led to the widespread practice of holding stock in untraceable “street names.”

The result is that the systems designed to make sure that corporations do not externalize their costs by imposing them on others (with pollution as one example) are ineffective. The corporate form was first developed with a system of checks and balances. But shareholders, a key factor, cannot effectively monitor a company or even a board.

The pollution in Monks’s example might have been within the law (especially if the corporation was able to lobby for the environmental standards it wanted). But that is not always the case. Beech-

Nut's CEO admitted that the company knowingly—and illegally—permitted adulterated apple juice to be sold for consumption by babies. The company pled guilty to 215 counts of violating federal food and drug laws, and paid a \$2 million fine. There are examples daily of companies being fined for violation of environmental standards, antitrust laws, securities disclosure requirements, false advertising claims, and tort liability. Why do corporations engage in negligent or criminal behavior? It has to be because, at some level, they find that the benefits outweigh the costs. Or, more precisely, management finds that the benefits accrue to themselves and to the corporation, while potential costs are borne elsewhere. Investigations, whether of fraud, pollution, sales of unsafe products, or bid-rigging, are expensive. Shareholders, in particular, bear the costs on both sides. As taxpayers, they pay the costs of the prosecution; as shareholders they pay the costs of the defense. The highest level of corporate management, however, pays very little. They almost never go to jail; in fact, they very seldom lose their jobs. The company pays the fines, which are seldom calculated to offset any gains, and the company pays the officers' legal fees.

SHAREHOLDER WEALTH VERSUS TOTAL WEALTH

Thus it would seem that companies do not have adequate incentives to obey the law, much less behave in ways that increase their value to the community beyond the investors and employees. It is true that shareholders have, over the past 10 years, played an increasingly constructive and important role in creating appropriate incentives. They have insisted on changes that improved board oversight, strengthened the link between pay and performance, and have even led to the dismissal of corporate CEOs for poor financial performance. But, with rare exceptions, they have not yet gone past profit concerns to raise issues of corporate citizenship.

In a thoughtful and valuable book titled *Ownership and Control: Rethinking Corporate Governance for the Twenty-First Century*, economist Margaret M. Blair makes a compelling case for the role of other corporate constituents in this process. She begins by arguing that the corporation must be designed for total wealth maximization. Her view is that the current model looks only at shareholder wealth

maximization (the value of the stock appreciation and dividend income) in setting corporate goals, legal standards for directors and managers, and evaluations of corporate “performance.” She believes that this approach is too narrow and leads to the imposition of as many costs as possible onto the employees and the community. Instead she recommends looking at a company’s performance, or indeed its “worth,” by examining the total wealth that it brings to the community, including the value of its products and services and the jobs it creates, as well as the value to investors. While some economists believe that the first two are reflected in the third, Blair argues that they should be added together to determine the total wealth added to the economy and the community by the corporation. This holistic approach would have to deduct external costs imposed by the corporation—the costs of pollution for example. This is the only way to make sure that a company does not “buy” jobs and product discounts by increasing environmental deterioration.

While many critics of the corporate system have argued for a “stakeholder” approach, balancing the interests of shareholders with suppliers, employees, customers, and communities, Blair’s focus is on shareholders and employees as best able to direct the company to maximize the benefits to all constituencies. She notes:

In general, a business enterprise can generate wealth in three ways. First, it can provide products and services that are worth more to the customer than the customer pays for them. Customers capture the benefits of this activity in the form of “consumer surplus.” Second, it can provide opportunities for workers to be more productive at their jobs than they could be in other available employment. To the extent that they earn higher incomes than they could elsewhere, the employees of such a company capture some of the wealth created by the enterprise. Third, the enterprise can provide a flow of profits to its investors that is greater than those investors could get by investing in alternative activities. If the wealth captured by consumers, employees, and suppliers of capital (the sum of consumer surplus, labor surplus, and capital surplus) exceeds any external costs (such as air pollution) imposed on the surrounding community or on others who are not direct participants in the enterprise, the enterprise is creating wealth.

Blair argues that traditional notions of corporate governance, based on a system of checks and balances between the management,

board of directors, and shareholders, do not adequately factor in the “firm-specific” capital contributions, “that is, special investments in physical assets, organizational capacities, or skills whose value is tied to the success of that enterprise.” For example, an employee who becomes an expert in a particular company’s procedures or machinery has made an “investment” and a contribution that has more value to that company than to any other. The success of a company will always be more important to the employees than to the investors. For example, “if the total rents being generated by the enterprise decline to the point where fixed wages promised to employees absorb all of the rents generated and more, shareholders will have a strong incentive to pressure management to shut down operations and lay off employees.” For this reason, she finds the interests of the employees (and their experience and expertise) of more “value” than the more distant and indifferent roles of the consumers and the neighboring community. As an example of the consequences of the failure to recognize the importance of the employees’ “firm-specific” value, she poses a case where even though downsizing may be “premature” because the enterprise is still generating substantial rents for some of the participants in the firm, “because the control rights go to shareholders in this system, employees cannot compel the firm to keep the enterprise going.” That is, of course, unless the employees are or become holders of substantial blocks of stock—Blair points to the recent buyout of United Airlines as an example, and much of her analysis focuses on the employees’ gaining a role in governance through share ownership, rather than through employment alone.

With this last point Blair assuages the concerns of many critics. Many economists have been very skeptical of “stakeholder” claims, fearing that accountability to everyone is the same as accountability to no one. By making all corporate constituencies equal, the result would be to permit corporate management to justify virtually any decision, because any decision has to be in the interests of one of the constituencies. Do we really want corporate managers to be the ones to make economic trade-offs between employees, shareholders, and the community? That is really the job of individual citizens, who can use their money (some from stock appreciation and dividends) and their voting authority to support the policies they choose. And it is the job of the government, which has accountability through the political

process. But with employees, a balance can be achieved. Once the employees become significant shareholders in the companies for which they work, as Blair suggests, they achieve a more balanced perspective between the short- and long-term value of the company. If they have enough stock, they will not support jobs at the expense of shareholder interests. And if enough employees own stock, they will not support shareholder interests at the expense of jobs.

RAISING THE RIGHT ISSUES

But some other concerns remain. Blair concludes that the best systems of corporate governance “allocate appropriate decision and control rights to” contributors of firm-specific capital. While she focuses on employees, that is only one of a series of models she describes. The “insider” governance systems used by the Japanese and Germans give business allies more of a role by making them the key shareholders. In the United States, entrepreneurial start-up companies and franchises rely on the close and informed monitoring of the contributors of capital, who are far more involved than the shareholders of a typical large corporation. More recently, leveraged buyouts aligned ownership and control by making the employees (at least the top ones) the owners. A broader base of employee ownership is available through employee stock ownership plans (ESOPs).

Are any of these structures better than the current corporate structure at producing total wealth maximization, either in Blair’s calculus or another? As she points out, current measures of value put too much emphasis on physical assets like equipment and inventory, and almost no emphasis on human capital—employee skills. A 1995 shareholder uprising at international advertising firm Saatchi & Saatchi reflects just this disparity. The numbers showed (correctly) that the CEO was not running the business very well. A Chicago shareholder was able to get the support of enough of the other shareholders to force him out. But the balance sheet did not reflect the company’s real major asset, the CEO’s creativity and his client relationships, which he took with him when he left. The shareholders won the battle and lost the war. The current corporate structure fell victim to its flaws.

But what about the models Blair suggests? Blair responds to one potential criticism, that the employees will be inefficient managers because they will want to run everything by committee, by saying that “there is no particular reason why employee-owners could not agree to set up a hierarchical management structure.” But would they? And, if they would, would that not create just the same agency cost problems that employee ownership is intended to prevent? The only way to prevent this is to have some kind of committee structure supervising the management, which creates just the same efficiency problem that the hierarchy was intended to prevent. And it is important to remember that, as Blair points out, the employees are also the real “owners” of the company, through their pensions, the largest accumulation of investment capital in the world, with an investment horizon that is by definition long term. This makes the attempt to put employees and shareholders in different categories a distinction without a difference.

Furthermore, ESOPs are more popular as entrenchment devices, to protect the company from a takeover (Lockheed and NCR, for example) than they are as vehicles for employee ownership and participation. Indeed, a recent treatise on anti-takeover provisions unblushingly devotes a chapter to ESOPs, barely suggesting the ostensible purpose of employee ownership.

WHO DECIDES?

While it is not clear that the “total wealth” has been maximized in companies with significant employee stock ownership, it is fair to say that at least some of the companies would not have survived at all without a more drastic change than was available under the traditional corporate structure. We do not know yet whether companies like United Airlines and Weirton Steel will survive on this new basis, much less how much wealth they will create, but we will be watching carefully.

And what of the externality issues described above? Will a company with more employee leadership be less inclined to impose the costs of pollution or criminal activity on the community because they live there? Will balancing paychecks against the costs of prevent-

ing those expenses produce a different result than balancing shareholder value against them?

As we examine the issue of who can and should decide what a corporation will do, the focus of the analysis should be on making sure that the system will achieve the total wealth maximization Blair correctly identifies as the top priority. This can only be done by minimizing conflicts of interest to create meaningful accountability. In the case of whether the Cubs should play night games, the conflict is between Mr. Wrigley, who thought he did not need the extra revenue enough to install the lights, and the shareholders, who thought they did. In the case of the river in Maine, the conflict was between the corporate officers who wanted an inexpensive way to get rid of their chemical discharge, and the community that wanted a safe and healthy local environment. In the case of Beech-Nut, the conflict was between the shareholders who wanted to invest in a company that would not risk the legal, reputational, and financial consequences of violating the law, and the corporate officers who would.

Instead of creating ever-more complex governance structures in an attempt to minimize conflicts of interest, the focus should be on preventing them. The person or group in the best position to make any decision about the corporation's direction is determined by two factors: conflicts of interest and information. Decisions should be made by those with the fewest conflicts and the most information. This applies from the smallest decision to the largest. Who should decide what color the walls should be painted in the workroom? The people who work in that room have the best information about which color they prefer. Furthermore, looking at them as a group, there is no possible conflict of interests because there are no agency costs; the people making the decision are the people affected by it. The question of how often the walls should be painted is another question, however. They are not in the best position to determine how often the money should be spent to repaint. They would be acting as agents for management if they made this decision, and the agency costs would be considerable. There is a way to minimize these agency costs, if so desired by any of the parties, of course. If the workers are meaningfully responsible for budget allocation (which is a system with some benefits), they will "feel" the impact of the decision enough to align their interests with those of management.

But what of those decisions affecting people outside the corporate structure, like the pollution Bob Monks observed in Maine? We cannot allocate that decision among the employees, management, directors, or shareholders and still give the choice to the people who are both best informed and most affected. Decisions like these, which affect not only the immediate community but also the country and even the world as a whole, require careful, holistic evaluation of all the costs and benefits. Unless we are willing to give up manufacturing (and transportation) entirely, we have agreed that we will accept some level of environmental degradation. To decide how much, and under what circumstances, will require not corporate governance, but political governance, with the involvement of the entire community in setting the standards or delegating them to those who are accountable to the community as a whole. We are already struggling toward this approach, with our current environmental standards forged in the fire of law, politics, and activism on all sides of the issues.

The corporate structure has been so robust that it threatens to outgrow most of the mechanisms, including the political structures, designed to control it. To the extent possible, accountability has to come from within; and that requires an effective governance system that is itself accountable. All three major players in corporate governance—the board, the shareholders, and the management—must be able to act, and must be motivated and informed enough to act correctly. There is no one perfect corporate governance model, just as there is no one perfect financial structure. The ultimate aim of a corporate governance structure must be that it is continually re-evaluated so that the governance structure can adapt itself and the company as necessary for changing times and needs.

Who Killed Modern Manners?

JUDITH MARTIN

It was idealism that murdered modern manners.

Those whose daily lives include being cut off on the highway and shoved on the sidewalk, ignored by service people or insulted by customers, addressed as equals or inferiors by juniors and intimates by strangers, and cursed if not shot by anyone who is simply feeling surly and finds them a convenient target, tend to blame people of ill will. Surely no one would be so villainous as to attack the premise that is the philosophical basis of etiquette: that people must agree to restrain their impulses and follow a common language of behavior in order to avoid making communal life abrasive, unpleasant, and explosive.

But attack this premise is exactly what some did. During the idealism of the 1960s, people who were willing to put more thought and energy into getting out of the social tasks they had been taught than in simply performing them, came up with the following astounding revelations:

1. Good surface behavior is not a truth-in-packaging guarantee of a virtuous heart inside.
2. Teaching children manners inhibits them from behaving as their natural impulses may prompt them.
3. Many conventions of etiquette are arbitrary, and cannot be functionally justified—for example, the necktie does not do the sort of valiant and obviously useful job a belt does.
4. Among our inherited etiquette traditions are patterns of behavior apparently based on ideas that we now find repugnant, such as that ladies are weaker than gentlemen and must therefore be given protective treatment.

5. Specialized forms of etiquette practiced by a particular social subgroup—the prime example being rich people who use peculiar silverware to baffle and embarrass the uninitiated—serve to distinguish those people from outsiders, and may encourage them to feel superior.

All of these points are true to the point of having been taken for granted by those who gave civilized human behavior any real thought. One must then go beyond them to realize that:

1. It is not therefore true that a virtuous heart excuses surface behavior if it inadvertently inconveniences, antagonizes, or disgusts others. And an evil heart that is constrained by the demands of politeness is less of a public menace than one freer to follow its evil impulses.

2. The children who are most paralyzed by inhibitions turn out to be the ones who are thrown into the complications of life without being told what behavior is expected of them, or warned how their actions will be interpreted.

3. Etiquette sometimes employs symbolism, and symbolism is, by definition, arbitrary, although this does not prevent it from being useful. A tie symbolizes respect and seriousness, as T-shirts or bare chests with gold chains, no matter how much more comfortable, washable, and alluring, do not.

4. Because etiquette is based on tradition, and people often have affection for the traditions of their youth, its customs tend to lag behind developing sociological thought. Yet etiquette can, and does, change over time to accommodate new ways of living. “Ladies first” was never a permanent rule of etiquette, having replaced the fifth century Greek rule, “ladies never.” It is now gradually changing to a precedence system based on age (and, in any case, was never proper in the work place, where rank, not gender, is what counts).

5. The rich are not the only group to have specialized manners: The attention to clothing, forms of greeting, and the social hierarchy practiced by any teenaged street gang are, for example, far more complicated. But when knowledge of special forms moves from cultural identification to snobbery, the practice is classified as bad manners. Through the principle of noblesse oblige, etiquette requires

the powerful to be especially polite to those less powerful, rather than to follow the more rational rule of “might makes right” and then buy their way out of any trouble they may cause.

THE TRIUMPH OF “HONESTY”

The idealists who thought that the world would be a better place if good manners were quashed also held charming beliefs about human nature that unfortunately do not correspond to human experience. They felt that children are born not only good but creative, and that civilizing them only destroys virtue and artistry that would otherwise blossom. And they believed that we would all love one another if only we could really open up our hearts and minds, without the artificial barriers of learned behavior.

But children seem rather to be born thinking that they are the center of a universe that must cater to their needs: Where is the infant who decides that he or she is not really all that hungry, and could let those exhausted people get a bit more sleep before demanding breakfast? And if they are such great artists, why is it that the children’s drawings that we so proudly display on our refrigerators all look alike?

The idea that we would all love one another, if only we communicated everything we thought and felt, trivializes real differences—emotional, intellectual, philosophical—that well-meaning people may sincerely hold. Manners that disguise fundamentally opposing and hotly held differences are, rather, what enable us to live on peaceful terms with our opponents.

Paradoxically coexisting with this sweet delusion was the self-assertiveness movement, which encouraged looking after oneself, often suggesting highly provocative techniques for taking advantage of others. The idea behind this was that the only way to avoid being treated unfairly was to fight for oneself and against others, which necessitated abandoning the mannerly goal of communal good.

When all these ill-thought-out concepts were raised, the habit of following good manners easily collapsed. It apparently does not take much to persuade people to stop bothering to write thank you letters, train their children not to destroy other people’s property, pretend

that they appreciate disappointing presents, or extend hospitality without any anticipation of a career advantage.

“Honesty”—which came to mean the undisguised communication of unattractive, often insulting, opinions—came to be considered the first among virtues, against which such a gentle virtue as human kindness did not have a chance.

But civilization cannot really exist without etiquette, as is acknowledged in both Western philosophy (from Socrates with his question of how one should live, to Erasmus, who wrote a Renaissance etiquette book, to Emerson, who anticipated me in the 19th century by calling his work “On Manners”) and Far Eastern philosophy (including Confucianism, Taoism, and Buddhism). Evidence of etiquette dates from our earliest definitions of civilization, which are associated with the ceremonial burial of the dead. Even those who now argue that etiquette must justify itself by being of immediate functional value do not maintain that it would be more practical to put corpses down a garbage disposal, rather than to go through some form of funerary ritual.

THE ROLE OF MANNERS

Ritual serves one of three major functions of manners. Oddly enough, the greatest scoffers at the traditions of American etiquette, who scorn the rituals of their own society as stupid and stultifying, voice respect for the custom and folklore of Native Americans, less industrialized peoples, and other societies they find more “authentic” than their own.

Americans who disdain etiquette in everyday life often go into an etiquette tailspin in connection with marriage. Although the premise on which the 20th-century American wedding forms were based—that a young girl is given by the father whose protection she leaves to a husband who will perform the same function—has changed, the forms retain their emotional value. If it happens that the bride has been supporting the bridegroom for years in their own household, she may well ask their own toddler age son to “give her away” just to preserve the ritual.

Ritual provides a reassuring sense of social belonging far more satisfying than behavior improvised under emotionally complicated circumstances. Rituals of mourning other than funerals have been nearly abandoned, but at a great emotional cost. Not only are the bereaved unprotected from normal social demands by customs of seclusion and symbols of vulnerability, but they are encouraged to act as if nothing had happened—only to be deemed heartless if they actually succeed.

A second function of manners is the symbolic one. It is the symbolic function that confuses and upsets people who claim that etiquette is “simply a matter of common sense” when actually, the symbols cannot be deduced from first principles, but must be learned in each society, and, within that society, for different times, places, ages, and social classes.

Because symbols are arbitrary, it can happen that opposite forms of behavior may symbolize the same idea, as when a man takes off his hat to show respect in a church, but puts on his hat to show respect in a synagogue. But once these rules are learned, they provide people with a tremendous fund of nonverbal knowledge about one another, helping them to deal appropriately with a wide range of social situations and relationships. Forms of greeting, dressing, eating, and restraining bodily functions can all be read as symbols of degrees of friendliness or hostility, respect or contempt, solidarity with the community or alienation from it. It is safe to assume that a person who advances on you with an outstretched hand is symbolizing an intent to treat you better than one who spits on the ground at the sight of you.

The law, the military, diplomacy, the church, and athletics have particularly strict codes of etiquette, compliance with which is taken to symbolize adherence to the particular values that these professions require: fairness, obedience, respect, piety, or valor. And following the conventions of the society is taken as a measure of respect for it—which is why people who are facing juries are advised by their own lawyers to dress and behave with the utmost convention.

It does not matter how arbitrary any of the violated rules may be—ignoring them is interpreted as defiance of, or indifference to, or antagonism toward, the interests of the person or community whose standard is being ignored. The person who wears blue jeans to a

formal wedding, or a three-piece suit at a beach party, may protest all he likes that his choice had only to do with a clothing preference, but it is hard to imagine anyone so naive as to believe that the people whose standards he is violating will not interpret the choice as disdain. In New York, a 15-year-old was shot on the street in a gang fight that started over his refusal to return another teenager's high five sign of greeting. "Dissin'," the current term for showing disrespect, is cited as a leading provocation for modern murder.

The third function of etiquette is the regulative function, which is less troublesome to the literal-minded, because those rules can be understood functionally. Between them, etiquette and law divide the task of regulating social conduct in the interest of community harmony, with the law addressing grave conflicts, such as those threatening life or property, and administering serious punishments, while etiquette seeks to forestall such conflicts, relying on voluntary compliance with its restraints.

This is why etiquette restricts freedom of self-expression more than the law does (and why etiquette rejects encounter group theories of achieving harmony through total communication). It is within my legal right to tell you that you are ugly, or that your baby is, but this is likely to lead to ugly—which is to say dangerous—behavior, which it will require the law to address, no longer as a mere insult, but as a more serious charge of slander, libel, or mental cruelty.

But the danger of attempting to expand the dominion of the law to take over the function of etiquette—to deal with such violations as students calling one another nasty names, or protesters doing provocative things with flags—is that it may compromise our constitutional rights. For all its strictness, a generally understood community standard of etiquette is more flexible than the law and, because it depends on voluntary compliance, less threatening.

Jurisprudence itself cannot function without etiquette. In enforcing standards of dress, rules about when to sit and when to stand, restricting offensive language and requiring people to speak only in proper turn, courtroom etiquette overrides many of the very rights it may protect. So does the etiquette of legislatures, such as that specified in *Robert's Rules of Order*. This is necessary because the more orderly is the form of a social structure, the more conflict it can

support. Etiquette requires participants in adversarial proceedings to present their opposing views in a restrained manner, to provide a disciplined and respectful ambience in which to settle conflicts peacefully.

RESPONDING TO CHANGING TIMES

That we cannot live peacefully in communities without etiquette, using only the law to prevent or resolve conflicts in everyday life, has become increasingly obvious to the public. And so there has been, in the last few years, a “return to etiquette,” a movement for which I am not totally blameless. It has been hampered by the idea that etiquette need not involve self-restriction. Those who must decry rudeness in others are full of schemes to punish those transgressors by treating them even more rudely in return. But the well-meaning are also sometimes stymied, because they understand “etiquette” to consist of the social rules that were in effect approximately a generation ago, when women rarely held significant jobs, and answering machines and Call Waiting had not yet been invented. As the same social conditions do not apply, they assume that there can be no etiquette system, or that each individual may make up his or her own rules.

One often hears that etiquette is “only a matter of being considerate of others,” and that is certainly a good basis for good behavior. Obviously, however, it does not guide one in the realms of symbolic or ritual etiquette. And if each individual improvises, the variety of resulting actions would be open to misinterpretations and conflicts, which a mutually intelligible code of behavior seeks to prevent.

Yet many of the surface etiquette issues of today were addressed under the codes of earlier times, which need only be adapted for the present. As previously noted, a system of precedence must exist, although it need not be “ladies first.” One must regulate the access of others to one’s attention—if not with a butler announcing the conventional fiction that “Madam is not at home,” then by a machine that says, “If you leave a message after the beep....” But dropping one unfinished conversation to begin another has always been rude, and that applies to Call Waiting. Usually, changes happen gradually, as, for example, most people have come to accept the unmarried couple

socially, or to issue their wedding invitations in time for guests to take advantage of bargain travel prices.

There is, of course, ideologically motivated civil disobedience of etiquette, just as there is of law. But people who mean to change the behavior of the community for its own supposed benefit by such acts must be prepared to accept the punitive consequences of their defiance. They would be well advised to disobey only the rule that offends them, carefully adhering to other conventions, if they do not wish to have their protests perceived as a general contempt for other people. Thanks to her symbolic meaning, the well-dressed, soft-spoken grandmother is a more effective agitator than the unkempt, obscenity-spouting youth.

Ignorance of etiquette rules is not an easily accepted excuse, except on behalf of small children or strangers to the community. An incapacity to comply is acceptable, but only if convincingly explained. To refuse to shake someone's hand will be interpreted as an insult, unless an explanation, such as that one has crippling arthritis, is provided.

Such excuses as "Oh, I never write letters" or "I just wasn't in the mood" or "I'm not comfortable with that" are classified as insolence, and disallowed. Etiquette cannot be unilaterally abandoned in the name of individual freedom, honesty, creativity, or comfort, without social consequences.

In 1978, when I began chronicling and guiding the legitimate changes in etiquette, and applying the rules in specific cases, where there may be extenuating circumstances or conflicting rules—as a judge does in considering a case—it was difficult to get people to agree that etiquette was needed. Now it is only difficult to get people to comply with its rules.

A Few Questions For Communitarians

DAVID M. ANDERSON

As communitarian thought has become more influential in both the academy and the political realm, it has inevitably become subject to greater scrutiny. Joining in the fray, there are some issues on which I believe communitarian thinkers must illuminate and clarify if they are to persuade others to join their cause.

TWO KINDS OF LIBERTY

A dominant theme in Amitai Etzioni's *The Spirit of Community* is that most Americans are too focused on securing their own rights and satisfying their own desires. These Americans are inattentive to their responsibilities towards others, especially their responsibility to build strong communities. America thus suffers from the problem of excessive liberty. One finds this theme in the work of many others as well, including thinkers like Michael J. Sandel, who is generally regarded as a broadly communitarian thinker. His recent article in *The Atlantic Monthly* is very much an attack on this near exclusive emphasis on liberty in America in the last two generations. In earlier periods, Sandel argues, there was more of a balance between the liberal and classical republican aspects of our American heritage.

But communitarians such as Etzioni and Sandel must be clear as to what they oppose when they speak of excessive liberty. Consider the following: A standard argument among New Dealers, Keynesians, Rawlsians, and New Frontier and Great Society Democrats is that the liberty of the most economically advantaged members of society must be restricted in order to improve the position of the less economically advantaged members of society. Examples of such policies are Medicaid, unemployment insurance, food stamps, AFDC, and a progressive income tax. By restricting the economic liberty of the rich, we create a more equal society, and one in which more people

are capable of exercising their basic political and civil liberties (because they have improved economic conditions).

Champions of the welfare state, then, can refer to the expansion of the liberty (or what Rawls would call the “worth of liberty”) for the less advantaged members of society. Needless to say, other features of the welfare state—including government agencies like the EPA, OSHA, and the FDA—seek to create more livable conditions for all Americans. The civil rights legislation of the 1960s is also typically understood as an effort to expand the civil and political liberties of certain groups of individuals.

I contrast this expansion of political and civil liberties with various social movements that were expanding liberty in other ways. Here one thinks especially of the women’s movement, the human potential movement, and the sexual revolution. Most of this did not involve government and the law. Let us describe these movements as efforts to expand social and personal liberties. Social conservatives are opposed to the expansion of liberties that resulted from the various social movements, and they are broadly opposed to the very idea of trying to expand liberty by redistributing wealth. For most social conservatives, there is a direct causal relationship between the rise of the welfare state and the decline of morality, with the expansion of social/personal liberties being both a mediating step in the process of moral decline, and an undesirable end in and of itself.

On the other side of the spectrum are those who support the expansion of both types of liberty. We shall call this group “left liberals.” As for the issue at hand, left liberals would either claim that there is no moral crisis, or that it is caused by other factors, perhaps by the inadequate redistribution of wealth and power.

What, then, is the position of Sandel, Etzioni, and their cohorts? It would seem to me that their argument about the decline of moral order is more about the expansion of liberty in social and personal behavior, most of which proceeded independently of the law. Most communitarians would not seem to be opponents of the expansion of political and civil liberty that occurs via the redistribution of wealth (justified on Rawlsian or other grounds). However, if this is their position, there needs to be a more careful explanation of why some kinds of liberty should not have been expanded while others should have.

On a related issue, I should note that the problems of excessive liberty seem not to be the result of the philosophies of the libertarians and their followers, as communitarians often claim. Libertarians call for economic and civil liberty, but not the kind of social and personal liberty whose excesses worry communitarians.

PROCEDURAL VERSUS SUBSTANTIVE VALUES

A standard complaint against mainstream liberal theory (e.g., Rawls) is that it is too focused on procedural issues and not sufficiently focused on substantive ones. But if some communitarians are opposed to procedural supporters of the welfare state, it need not be because of opposition to the political and economic rights the Rawlsians defend. Instead, the source of the opposition would seem to be that Rawls and company neglect crucial issues outside the law, issues that are related to the project of building a strong community, especially the role individuals play in taking on the responsibility to build strong communities. Therefore Rawlsian procedural liberalism, at best, is incomplete; at worst, it is in some way incompatible with the kinds of efforts communities need to demand of citizens.

Interestingly, some communitarians criticize civic theorists because their focus on enriching civil society through various mediating institutions is too centered on procedure (e.g., open dialogues) at the expense of substantive values. Consider this: Amitai Etzioni argues (in a recent article in *The Weekly Standard*) that civic theorists such as Benjamin R. Barber, Harry C. Boyte, Robert D. Putnam, and Adam B. Seligman are not wrong, but that their theory needs to be expanded significantly. Civil society is not enough; there must also be a commitment to a core of shared values. Thus, Etzioni is claiming that a procedural method for arriving at moral values is necessary but not sufficient. First, there is a need for clarity. Does this mean (a) that the specific procedural methods currently used are inadequate and they need to be revised (therefore, one would develop a better procedural method, namely one that brings specific substantive values into the process of deliberation); or (b) that a nonprocedural method should be used, namely one that appeals directly to substantive values or some other method of discovery, the presumption being that there are truths and they must be revealed? (Such an approach appeals to many

religious believers and also to those who seek the “original intent” of the Founding Fathers.)

But whether one chooses (a) or (b), it would seem that Etzioni’s complaint against the civic theorists is that their attempt to fill the gap left by the Rawlsians is inadequate because it uses a procedural method of arriving at values when some method incorporating substantive values is required. If you will, these theorists are Rawlsians at the level of solving the problem of community not solved by political theory proper, and communitarians object to this approach because they think that there is a set of moral values that hold independently of open dialogues among citizens. In a sense, I am suggesting that the communitarian criticism is leveled both at the incompleteness of Rawls and at the failure of the civic theorists to fill the gap left by Rawls, but *not* necessarily at some mainstream version of the liberal capitalist welfare state.

On a related issue, one might be tempted to group civic theorists and liberals like Rawls together against theorists like William Galston and Etzioni, the dividing line being that the latter two insist on the importance of specific substantive values. But it is worth noting that Galstonesque liberal communitarianism takes very seriously the role the *state* must play in promoting particular values (as opposed to the kind of neutrality he associates with Rawlsian liberalism), whereas Etzioni’s version of communitarianism is less concerned to emphasize this point and seeks to rely more on social institutions, the moral voice of the community, and habits of the heart. Thus communitarians must answer, or at least seriously consider and debate, the question of what role the government must play in promoting core values.

Finally, it should be made clear that even those in the Etzioni camp assert that there are some legal solutions that are needed, but these revisions on the whole do not concern the redistributive aspects of the welfare state. They do, instead, concern themselves with certain civil and political liberties (e.g., drug testing, smoking restrictions, sobriety checkpoints, motorcycle helmet laws). Of course, communitarians would still highly value many of the rights defended by libertarians. Thus, communitarians must be clear on the basis for the line they draw between the political and civil liberties they support and those they do not.

Digging Up Racism by the Grassroots

Paul Kivel, *Uprooting Racism: How White People Can Work for Racial Justice*

Philadelphia: New Society Publishers, 1996, 243pp.

Reviewed by Meta Mendel-Reyes

Why am I, a white woman of Jewish background, writing this review of a book written by a white Jewish man, about how white people can work to end racism? Did the editors of this journal consider sending it out to a person of color? Do the editors include people of color? Does the readership? Despite over 20 years of fighting racism as an organizer and teacher, these questions would probably not have occurred to me before reading Paul Kivel's provocative new book. If asked, I would have responded, without hesitation, that the circumstances had nothing to do with race; I simply received an e-mail from someone associated with *The Responsive Community*, asking me whether I would like to review a book with the interesting title, *Uprooting Racism: How White People Can Work for Racial Justice*. But now I cannot let myself off the hook so easily because I have learned that working for racial justice involves continually watching out for the presence of racism in my life. It is not enough to challenge overtly racist speech or action; we must also teach ourselves to recognize the ways in which racism affects even seemingly innocuous activities. In this case, I have to acknowledge that it is not merely coincidence that the contact person from *The Responsive Community*, nearly everyone on the editorial board, the subscribers, and I are white.

Does this mean that I am not entitled to write this review, nor you to read it (if you are also white)? I would say "no," and I think that Kivel would agree. In fact, despite similar doubts, Kivel went ahead

with *Uprooting Racism*, because “I knew that if I let these feelings stop me from taking the risk of writing this book, I would be succumbing to the paralysis that often keeps white people from taking action against racial injustice.”

This how-to guide to ending racism appears at a timely moment. In the aftermath of the O.J. Simpson trial and the Million Man March, many white Americans are discovering what people of color have always known—that, despite our ideals of democracy and equality, the reality is that whites and people of color are as far apart as they have been since the civil rights movement. The media’s attempt to portray the chasm simply as one of perception—highlighting, for example, the belief of many African-Americans that the criminal justice system is biased against them—obscures the extent to which America still resembles, as Andrew Hacker has noted, the “two nations” described by the Kerner Commission during the sixties: “separate, hostile, unequal.”

From Kivel’s perspective, facing up to this fact is the first step in moving from paralysis to action. Despite the long tradition of white opposition to racism, it is easy to give in to hopelessness or cynicism. Reading *Uprooting Racism* is like attending one of the workshops on racism which Kivel facilitates, using techniques he originally developed for working with men who have been violent toward women. Through interactive lists, exercises, and assessments, he aims to help whites to recognize our complicity in a “system” of institutionalized racism *and* our capacity to do something about it both as individuals and as members of communities.

Working through the “White Benefits” checklist is uncomfortable, and meant to be. Reluctantly, I checked “yes” to most of the items, including “I work in a job, career, or profession or in an agency or organization in which there are few people of color” and “My race needn’t be a factor in where I choose to live.” But there is also a checklist on “The Costs of Racism to White People,” such as “I have felt racial tension or noticed racism in a situation and was afraid to say or do anything about it.” Kivel’s point is not to make whites feel guilty or more fearful, but to recognize our responsibility to fight the racism that permeates the daily lives of whites as well as people of color

(although, of course, the consequences for people of color are much worse).

The main way in which white people can work to end racism is to be allies to people of color, beginning by really listening and giving credence to their experience. This is much harder than it sounds, as Kivel demonstrates through an excellent dialogue between two people with very different interpretations of a “racist” incident. However, being an ally does not mean giving up “our ability to analyze and think critically,” either. As allies, whites should support the leadership of people of color in order to change, not merely attitudes, but the injustice that undergirds racism, especially inequalities of wealth and power. Employing the metaphor so often used to describe race relations in the United States, Kivel sums up: “Only justice can put out the fire.”

Unfortunately, Kivel’s diagnosis is more compelling than his prescriptions, which lack the communitarians’ awareness of the complexity of building and sustaining communities. By arguing that “most white people have as much to gain as people of color from the struggle to redistribute wealth to poor, working, and middle class people,” Kivel implies that most of us will not have to give up anything to end racial injustice. Nor does he seem to realize that there could be honest disagreements over what definition of “justice” would put out the fire.

RESPONSIBILITY FOR ALL

The last part of the book offers specific suggestions for action. Kivel shows us how to assess racism in the institutions that affect our lives, including our workplaces, schools, churches, police, and government. He also provides a series of “questions and actions” designed to help us to build “democratic, anti-racist multiculturalism,” from the family to the nation. Such a society would combine diversity and cooperation, through the principle of inclusiveness, in which “each person participates in making the decisions that affect her or his life.”

From a communitarian perspective, a real strength of this book is its emphasis on individual responsibility, on what each of us can do

to work for racial justice. Kivel also recognizes, as do communitarians, that we are members of many groups, public and private, on which we can have an impact. By not denying that people of color also have responsibilities, Kivel takes a straightforward stand against the current trend toward “competing victimization.” He also cautions his readers against blaming racism on those whites, often poor and working people, who commit overtly racist acts. He wants us to recognize that affluent, educated whites often have the power to camouflage their actions (perhaps even to themselves) by, for example, moving into a “nicer” neighborhood that just happens to be almost completely white. Recent studies have underscored the persistence of residential segregation, due in part to the deliberate practice of “steering” in certain neighborhoods—by realtors who refuse to show homes and banks who decline to lend to borrowers. Economists have been surprised to discover that the social pressure against integration is stronger than even the market; many whites have taken losses on their homes, their largest single asset by far, rather than sell to African-Americans.

Some communitarians may view Kivel’s call to pay more attention to race as dangerously divisive, likely to enflame rather than cool racial tensions. Diane Ravitch, for instance, has pointed out the “dangers of multiculturalism untempered by a commitment to the common good.” However, my organizing experience has taught me that the open acknowledgement of difference makes genuine unity possible, that members of communities renew their commitment to the common good and to each other by acting together to realize their ideals, including racial justice.

Kivel is refreshingly honest about what his book is *not*: neither an attempt to document the existence of racism, nor a history of its roots (although the sketchy account of major racial and ethnic groups does make the important—but often neglected—point that race relations in the United States are not simply a question of black and white). He assumes, rather than proves, the pervasiveness of racism, referring readers who want to know more to the extensive bibliography at the end of the book.

None of this takes away from the unique contribution of *Uprooting Racism* to the dialogue about race so urgently needed in this

country. This is the first practical guide for white people who are concerned about racism, but do not know what to do about it. At a time of great pessimism, *Uprooting Racism* offers the hope that each of us can make a difference in the struggle for racial justice.

Especially Noted

JEREMY G. MALLORY

Meredith Ramsay, *Community, Culture, and Economic Development: The Social Roots of Local Action* (Albany: The State University of New York Press, 1996). 163 pp.

Small communities across the country face a question when it comes to economic development: they can focus primarily on local industry and merchants, or they can pursue a path that involves national and international companies, such as Wal-Mart. Ramsay's book, based upon evidence she collected over several years spent in two small towns in Somerset County, Maryland, tells the story of two towns facing such decisions. Through extensive interviews she pieces together a picture of how and why the two towns consistently resisted economic development. In the end, she points to the shortcomings of theories that assume that only economic factors matter to community decision-making: sometimes, building a Wal-Mart is not the right answer.

Steven Lukes, *The Curious Enlightenment of Professor Caritat* (London: Verso, 1995). 261 pp.

From Sophocles' *Antigone*, to Voltaire's *Candide*, to Orwell's *Animal Farm*, political theory has often been portrayed through fiction and allegory. Lukes continues this tradition into the postmodern world with this novel, described by Michael Walzer as "political theory in disguise." In his description of the mission of Professor Nicholas Caritat—to find the best of all possible worlds, much like *Candide*—Lukes describes ordered-but-stifling Militarism, profitable-but-hollow Utilitarianism, egalitarian-but-smothering Communitarianism, and free-but-negligent Libertarianism (with a side trip through the dream of Proletarianism). Lukes manages to fill the narrative with both allegorical and direct references to philosophical ideas that have bearing on political theory today.

Naomi Zack, ed., *American Mixed Race: The Culture of Microdiversity* (Lanham, Maryland: Rowman and Littlefield, 1995). 379 pp.

Over the next few years, the U.S. Census Bureau will be using mini-surveys to test new ways of counting race in preparation for the census in the year 2000. A rapidly growing number of people identify as “multiracial” or “multiethnic,” and they feel that the current forms do not give them any way to express their identity. The state of Michigan has already passed an ordinance requiring a box for “other” to be placed on all official forms. Zack’s collection of essays takes on this increasingly important issue, focusing on the notion of “race” and its problems. The main proposition is that the idea of monolithic races, exemplified by the boxes on official forms, allows many people of either “mixed” heritage or multiple self-identification to fall through the cracks.

By Signe Wilkinson for the Philadelphia Daily News. Cartoonists & Writers Syndicate.

DAVID E. CARNEY

From the Libertarian Side

Beware of Ordering a Shot

“You can’t drink and drive, you can’t drink and fly a plane, but you can drink and pack heat.” This is how Virginia State Democratic Leader Richard L. Saslaw expresses his opposition to recent efforts to liberalize the one-year-old concealed weapons law in Virginia. (The 1995 law permits most citizens to obtain licenses to carry concealed firearms.)

The Senate, by a 21-19 margin, has passed a bill that would remove the statewide prohibition on carrying concealed weapons in establishments that sell liquor. Proponents of easing of the law, such as Senator Virgil H. Goode, Jr. (D-Franklin County), argue that the new law would permit individual establishments to make their own decisions about whether to permit concealed weapons. Opponents maintain that the slackening of controls would make the concealed weapons law too dangerous.

The Senate has also passed, by a vote of 23-17, another relaxation of the concealed weapons law. Previously, all applications had to be reviewed by a judge. The new regulation would permit court clerks to approve all applicants who meet the criteria of no felony convictions and no mental disorders. Supporters, such as the bill’s sponsor Jackson E. Reasor (D-Tazewell), argue, “If there’s any problem about the law, it goes to the judge.” Opponents are fearful of turning power over to court clerks. Senator Warren E. Barry (R-Fairfax County), a former court clerk, declared, “Some of the people who worked for me, I wouldn’t want them giving out permits.”

The two pieces of approved legislation have been sent to the House of Delegates where final consideration is pending.

From the Authoritarian Side

A Murderer, Yes, But a *Heterosexual* Murderer

Mary Ward is appealing the decision of Escambia (Florida) Circuit Judge Joseph Tarbuck that granted primary custody of her 11-year-old daughter to her ex-husband, a convicted murderer. The judge decided that Ward's sexual orientation was sufficient grounds for a ruling against her. Ward is a lesbian.

Judge Tarbuck reported in his decision:

I don't condemn the mother of this child for living the way she does.... But I don't think that this child ought to be led into that relationship before she has a full opportunity to know that she can live another lifestyle if she wants to and not be led into this lifestyle just by virtue of the fact of her living accommodations.

Tarbuck determined that because the adults watch R-rated movies in the home and because there is another same-sex couple around the house, Ward's home environment was not as favorable as her ex-husband's.

John Ward, the ex-husband, is currently living with his third wife. His first wife met her untimely demise while arguing over the custody of their children. Mr. Ward pulled out a gun, shot her six times, stopped, reloaded, and shot her six more times. He pleaded guilty to second degree murder, served his time, and then married Mary Ward. He chalks his crime up to "stupidity, jealousy, and anger." Judge Tarbuck did not mention the prior conviction when issuing his ruling. He did note that Ward's current wife Rita was "apparently a good woman," that Mr. Ward could provide "decent living accommodations," and that the daughter needed "more discipline."

Currently, the supreme courts of five states have determined that a parent's homosexuality automatically merits a rejection of a custody request. The courts in eight states have held the opposite. The U.S. Supreme Court has not ruled on such a custody case.

From the Community at Large

When the Decent Thing Becomes Exceptional

When Aaron Feuerstein, owner of Malden Mills in Massachusetts, received The *Lawrence Eagle-Tribune* Man-of-the-Year Award, he asked, "What, for doing the decent thing?" This modest and self-effacing response reflects the life attitude of the man who made headlines across the country when his textile mill burned to the ground. Feuerstein paid all his employees one month's salary, visited each employee who was hospitalized as a result of the fire, and made a commitment to rebuild the mill in the same area of Massachusetts instead of moving to a location where production costs would be cheaper.

While Feuerstein's actions may seem exceptional, even more exceptional are the values that guide the man. In discussing his overall life philosophy, Feuerstein says, "In my eyes, I did no more than just the simple right thing to do.... If we really believe man is created in the image of God, we've got to be sensitive to those creations who are made in that image."

Feuerstein's attitude toward the corporate world is that it "is accentuating too much the bottom line and is not allowing itself to be regulated by social responsibility and the human equation." Further, he states, "You have to come to some type of balance between not letting your costs run wild and your humanitarian values. In order to come to a just compromise, you must recognize that labor is not merely an expense but also an asset."

Keeping a Watchful Eye

Baltimore City is expanding its community policing efforts through a combination of the beat cop and high technology. Over the past few years, city police have erected a number of kobans, or kiosks, modeled after the Japanese system of station police in neighborhoods. In the coming year, these officers will have even greater vision thanks to a new public/private endeavor to place 200 video cameras on 106 city blocks.

The Downtown Partnership, an organization which promotes business in the city, has made the initial investment to place 16 cameras. Government and private grants are allowing the city to purchase and place more of the cameras for the Video Patrol Program. Police officers at 11 locations will monitor the video images for criminal activity. If a crime is recorded the tape will be saved for evidence; otherwise, the tape will be erased in 96 hours.

Proponents of the program, such as Mayor Kurt Schmoke, argue that people are used to being monitored electronically in places like banks and, therefore, should not feel threatened by the new system. He said, "Most people said they would much rather have enhanced safety than worry about cameras." Downtown merchants like the program, too. Norkeita Beekham, who runs a small business, says, "I don't mind a bit.... The camera is for your protection." Even some defense attorneys express cautious support. Antonio Gioia believes, "One has no expectation of privacy in areas exposed to the public. It offers some protection if there is criminal activity afoot, but it does create a very Orwellian step."

Others are not so favorably disposed to the program. Stuart Comstock-Gay of the local chapter of the American Civil Liberties Union argues, "I don't think we want to become a society where we are being watched every second of the day."

Video cameras in public places in Baltimore have already netted one criminal who shot a woman as she rode the Central Light Rail. Police hope that the cameras will enable them to catch more criminals, but, more importantly, that the cameras will deter crime before it starts.

What Are the Odds of That?

During the current session of Congress, Senators Richard G. Lugar (R-Indiana) and Paul Simon (D-Illinois) and Representative Frank R. Wolf (R-Virginia) have introduced legislation to establish a national commission to study gambling. Citing both the inadequacies of existing state studies and the social ills of gambling, Lugar and Wolf maintain that only a nonbiased national panel will be able to provide a comprehensive analysis of gambling.

The current studies of gambling have been shown to be deficient. Professor Robert Goodman of the University of Massachusetts, Amherst reviewed 14 state studies of gambling. More than half included a pro-gambling bias and only four studies were shown to include the hidden costs of gambling. Representative Wolf further maintains that the states often rely upon studies paid for by the gambling industry. Senator Lugar argues, “[I]t is clear to me that the civic-minded folks facing the toughest decisions on whether to permit gambling are leaders at the local level. And they must do so armed with reliable, unbiased information....”

Lugar and Wolf provide a host of ills caused by gambling and offer evidence to support their position. Gambling increases crime rates; fosters political corruption; is addictive; has negative impacts on other businesses; and undercuts “individuals, families, [and] social institutions.” The total effects of gambling need to be examined so that states and communities trying to get out of a fiscal crisis will know the full costs of legalizing gambling.

To fight the legislation, the American Gaming Association (AGA) has opened a lobbying office in Washington. With initial funding of \$2 million, the AGA hopes to build upon the support of those representatives from districts that are closely linked with gambling. The AGA opposes the legislation because it fears that the bill will lead to direct federal regulation or taxation of gambling, although neither of these is currently under the expressed purview of the proposed commission. Additionally, opponents maintain that gambling is a state issue.

The legislation has passed the House Judiciary Committee, but is still being considered by the House Resources Committee. The Senate

version is still in committee. Both versions are expected to be passed later this year.

Sources:

“Beware...”: *The Richmond Times Dispatch*, 14 February 1996; “A Murderer...”: *St. Petersburg Times*, 31 January 1996; “When the Decent...”: *Lawrence Eagle-Tribune*, 31 December 1995; “Keeping...”: *The Baltimore Sun*, 20 January 1996; “What Are...”: Offices of Senator Richard G. Lugar and Congressman Frank R. Wolf.

Drawing by Frascino; ©1995 The New Yorker Magazine, Inc.

THE COMMUNITY'S PULSE

LOSS OF TRUST¹

Would you say that most people can be trusted? (percent saying yes)

1964	54%
1995	35%

How much of the time do you trust the government to do the right thing? (percent saying most of the time)

1964	76%
1995	25%

PROMOTION OF VALUES²

Should the government do more to promote traditional values? (percent saying yes)

Total	43%
Republicans	51%
Independents	39%
Democrats	39%

Should values be a priority issue in the 1996 election campaigns?

Yes	73%
No	26%

CREATIVE BUDGET SOLUTIONS³

Would you support putting ads on the dollar bill to help cut the deficit or lower taxes?

Yes	35%
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RELATIONS VS. VIEWS⁴

Abortion is a private matter that should be decided by the woman without government intervention. (percent who agree)

When interviewed by a man:

Men	70%
Women	64%

When interviewed by a woman:

Men	77%
Women	84%

The problems faced by blacks are brought on by blacks themselves. (percent who agree)

When interviewed by whites:

Whites	62%
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When interviewed by blacks:

Whites	46%
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GOVERNMENT THREAT⁵

Is the federal government an immediate threat to the rights and freedoms of ordinary citizens?

Yes	33%
No	65%

1. *The Washington Post*, 28 Jan 1996

2. *Time/CNN Poll*, 31 Oct–6 Nov 1995; and *USA Today*, 31 Jan 1996

3. *Harper's Magazine*, Jan 1996

4. *U.S. News & World Report*, 4 Dec 1995

5. *The Public Perspective*, Dec/Jan 1996

Compiled by Frank Lovett

LOBBYIST WATCH

ATTACHED STRINGS

Of the \$2.3 million the tobacco industry doled out to the Republican Party in 1995, Tom Lauria of the Tobacco Institute says, "We give money to both parties with no strings attached and in return we hope that people will give our point of view a serious hearing." It seems that the tobacco industry has convinced some people to push for more than just a "serious hearing."

Last spring, according to *The Wall Street Journal*, Haley Barbour, chairman of the Republican National Committee, called Arizona House Speaker Mark Killian to persuade him to support legislation aimed at making it more difficult for cities to impose regulations on smoking. The tobacco industry's "preemptive" bill would prevent local governments from establishing smoking rules that are tougher than those at the state level.

Speaker Killian expressed shock about the call: "I thought he was kind of calling to congratulate us on Arizona's ability to bring forth the revolution on tax cuts and welfare reform and medical savings accounts. And what does he do? He tries to get me to bring a tobacco bill to the floor. It ticked me off." Matthew Myers of the Coalition on Smoking OR Health pointed to the irregularity of such an event. "To the best of my knowledge, this is the first time a chairman of a national political party has ever tried to pressure a state legislator on behalf of a tobacco company."

Citing a desire to allow localities to create their own rules, and a personal antipathy toward Barbour's actions, Killian kept the bill from consideration.

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KALEIDOSCOPE

MICHAEL BOCIAN

BRITAIN: SPEAK NOW, OR ELSE

Great Britain has recently decided to weaken its equivalent of America's Miranda rights. Passed as part of the Criminal Justice and Public Order Bill, the law permits judges and juries to consider in their judgments a defendant's refusal to answer questions or explain his or her actions to the police.

In accordance with the new law, police will be instructed to change the warning they give suspects who are arrested. The Police and Criminal Evidence Act of 1984 ordered police to say: "You do not have to say anything unless you wish to do so, but what you say may be given in evidence." Now, police have been directed to inform arrested suspects: "You do not have to say anything. But if you do not mention now something which you later use in your defense, the court may decide that your failure to mention it now strengthens the case against you. A record will be made of anything you say and it may be given in evidence if you are brought to trial."

Under the leadership of the Conservative Government of Prime Minister John Major, the House of Commons passed the measure as part of an extensive anti-crime bill which was a response to public concern over the apparent rising tide of crime in Britain. Government Minister David Maclean champions the law on the proposition that "if an innocent person has an explanation to give, he can usually be expected to give it at the first reasonable opportunity, not store it up for use when the proceedings have developed as far as a trial."

The new law does not have universal support. Gregory Bayliss, a London defense attorney, asserts, "The defendant [should be] presumed innocent, and if the police have a case, it is up to them to prove it, and prove it beyond a reasonable doubt." According to critics of the law, the possibility of a defendant's silence being used against him shifts the burden of proof from the prosecutor to the

defendant. Opponents of the law also contend that it impinges on a defendant's freedom from self-incrimination. They fear that by warning people that their decision to remain silent may be considered if the case goes to trial, some innocent suspects may feel pressure to explain themselves unnecessarily to the police, thereby increasing the risk of wrongful conviction.

Government officials insist that suspects maintain the right of refusal to answer questions to police or in court, and that defendants are still presumed innocent until proven guilty. Home Secretary Michael Howard explains that the law is intended to prevent professional criminals from using the right of silence as a subterfuge to hide illegal conduct.

GERMANY: FREEDOM *FROM* SPEECH AND RELIGION

Top German officials, including Chancellor Helmut Kohl, have strongly denounced a recent ruling by Germany's highest court that affirmed an individual's right to criticize the military.

Since World War II, Germany has had strict laws which forbid, among other things, verbal attacks against minorities and statements denying that the Holocaust occurred. In 1995, however, the Constitutional Court ruled in favor of a man who had been arrested for placing on his car a bumper sticker that read, "Soldiers are murderers." The court held that penalizing the expression of the statement would "pose the danger of excessively limiting freedom of speech."

Other public officials, however, have expressed the sentiment that the freedom from insult should be valued over the freedom of speech. Karl-Hans Fischer, a judge in Mainz, recently decided the case of a defendant who had written a letter to a local newspaper. The letter included the statement, "All soldiers are potential murderers." Fischer indicated that while the Constitutional Court's precedent obliged him to issue a not-guilty verdict, he believed the Constitutional Court's decision was "arrogant, legally questionable, and sociologically wrong." Fischer continued, "It is unfortunate that decisions of the Constitutional Court are steadily placing freedom of speech ahead of the protection of people's honor."

Outraged by the Constitutional Court's ruling, Chancellor Helmut Kohl stated, "We cannot and must not stand by while our soldiers are

placed on the same level with criminals.” Kurt Biedenkopf, Governor of the State of Saxony, concurred with the Chancellor, remarking, “I have three sons, one of whom has served in the army for 11 years and the other two for two years each. I feel personally insulted by the decision.”

The liberties of certain religious groups have also been challenged. Claudia Nolte, the Minister of Family Policy, has called for the Church of Scientology to be placed under surveillance. According to German law such surveillance could include phone-taps, postal intercepts, and the clandestine observation of its members. Nolte claims that the Constitutional protections the church receives as a religion should be curbed to protect Germany from insurgency. Germany’s leading political parties forbid their members from becoming Scientologists, while the German state of Bavaria is considering banning the Church of Scientology outright. In arguing for the domestic intelligence agency to put the Scientologists under surveillance, Minister Nolte says: “Under the cloak of a religious community hides an organization which unscrupulously and unabashedly engages in dubious activities and whose ideology bears totalitarian characteristics.”

While government officials are urging for stricter limitations on freedom of speech and freedom of religion, some Germans favor stronger protection of these rights. Jens Poll, an attorney and visiting fellow at Berlin’s Free University, asserts, “There has been a tendency in Germany to place the protection of groups that feel insulted above the right to free speech. The decision of the Constitutional Court in the ‘soldiers are murderers’ case is an indication that at least in some legal circles, we are now moving toward the American model of greater protection for free speech.” Similarly, supporters of the Church of Scientology argue that they are being subjected to religious discrimination similar to the anti-Semitic practices of Nazi Germany. Spokeswoman Sabine Weber commented that the methods of those seeking to put the Church under surveillance are “comparable to those that were used in the early 1930s.”

Sources:

“Speak Now...”: *New York Times*, 11 November 1994; “Freedom from...”: *New York Times*, 15 January 1996.

COMMUNITY NEWS

KEEPING THE ELDERLY IN THE NEIGHBORHOOD

The federal grants have helped. So have plugs from Senator Paul Wellstone and the Ford Foundation. But the homegrown program to keep the elderly out of nursing homes gets its biggest boost from neighbors watching out for each other. Locals call it “Minnesota Nice.” “Sometimes they say it jokingly and sometimes they say it gratefully,” said Lynn Thibodeau, 72, a retired St. Paul journalist who recovered at home from a double bypass operation last year with assistance from the Living at Home/Block Nurse Program. “It probably saved my sanity. To be put into some other care facility would have washed me down the drain.”

Started in the 1980s by residents of a St. Paul neighborhood alarmed by the unmet needs of elderly neighbors, the Living at Home program has grown into a web of home healthcare services. Elderly participants get fed, comforted, read to, and nursed, regardless of income. In St. Paul, volunteers canvass participating neighborhoods for those who need help as well as for more volunteers: someone to iron shirts, play cards, offer a ride to the doctor’s office.

Allan Forman, 91, said he started getting help through his church when his eyesight began to fail. “They wanted to know if I’d be interested in having someone come and visit.” He let the volunteer into his home. “We’ve had a great time,” he said, adding that he would not have given a government worker the same access. “It’s because there’s trust,” said Marjorie Jamieson, executive director of the private, nonprofit program. “It’s because the home health aide lives down the block or the nurse goes to their church.”

In Minnesota, organizers see the program—now spreading to other states—as a model for reducing costs. So far, it appears the nurse-managed program is about one-third less expensive than typical fee-for-service home healthcare programs, according to Jamieson. There are shorter stays in the hospital, fewer ambulance trips, and fewer emergency room visits. “Instead of a client going to

an outpatient clinic, the nurse says 'I'll stop by and see you.' It's called appropriate care," Jamieson said.

Wellstone touts it as a healthcare success. The federal Health Care Financing Administration has run a spin-off of the Living at Home program, the Healthy Seniors Project, as part of a national effort to control Medicare spending.

The Living at Home program began in 1981, when a local nursing professor recognized that the acute care system was not serving the elderly. Too many of Minnesota's elderly were in nursing homes: about eight percent of the elderly population. Nationally, the number is closer to five percent. Legislators, recognizing the problem in 1985, capped the number of licensed beds at about 44,000 and forced communities to seek solutions.

The program grew through a patchwork of county support, federal funding, private grants from St. Paul's H.B. Fuller Foundation, and donations to cover about 20 percent of the unfunded nursing and home health aide costs. They had bake sales and candy drives. Neighborhood-run district councils (publicly supported citizen planning bodies that are unique to St. Paul) were among the original sponsors. Even as the program grew, encompassing 15 Minneapolis and St. Paul neighborhoods, each community kept its autonomy. Each appoints its own board of directors and hires a program manager and staff. Each program finds its own financing, although they have begun to collaborate as funding has become more competitive, according to Alice Seuntjens, the program's assistant director.

Referrals come from friends, someone in church, or someone in the neighborhood. No one is turned away for lack of money, and the services are as specific as the needs. Thibodeau, the retired journalist, was hospitalized for three months with complications following her bypass surgery. She refused transitional care, she would not live with her adult children, and she fought against having a stranger in her four-story St. Paul home. "To have someone invade my home? I wasn't mentally receptive to that. But it didn't take more than one day to convince me," she said. The nurse assigned to change her dressings each day became a close friend. "It became a social thing I looked forward to each day."

Despite a childhood handicap that forces him to use a cane, Allan Forman is spry for 91. Someone at his Lutheran church brought him into the program. While a college student makes social visits, he also looks for signs of decline. Is Forman eating right? Does he need help with housework? Should a nurse intervene? JoAnne Rohricht, a founder of the program who still serves as an advisor, has recruited many volunteers to pair with elderly clients. "My pattern has been to think of people I know who are sort of naturals relating to other people," she said. She is always looking for good listeners, people who can handle a confidence. "That's important in small neighborhoods."

Similar living-at-home programs have developed in Columbia, South Carolina and Birmingham, Alabama. Some supporters of the Minnesota program say it cannot work outside a close-knit community. "I think it can work wherever people have some sense of concern for the common good. Wherever there is some value for community. It takes that," Rohricht said.

Marty Rosen, American News Service

SCHOOLS: NOT JUST FOR KIDS ANYMORE

The afternoon bell that ends the regular day for students here at Cabot School also rings in the start of a new day for them and others in this rural village. Students will return to school to do homework or read poetry. Adults will file in at night for continuing education. Townspeople young and old will drop by the health clinic that looks out onto the village green. The wood-frame school, serving all grades in this village surrounded by dairy farms, is part of what some experts see as a revival of "community schools" in the United States.

This trend can be found in the inner city as well as in the rural countryside. "It's 4:45 p.m.," said Gina Trent from her office at New York City's Intermediate School 218. "Most schools would be dark and silent. I can look out my window right now—the playground's full." Other students are inside, getting homework help or participat-

ing in programs in arts and crafts, sports, or dance. Later, in the evening, local adults come in for classes in citizenship, English as a second language, computers, and other topics. "It usually goes to 9 or 10 o'clock," said Trent. "We are a community center as well as a school."

Both Cabot (in the countryside of Vermont) and I.S. 218 (in a Manhattan neighborhood blighted by drugs, crime, and other urban ills) are running with the simple idea that schools work best when they are an integral part of the neighborhoods they serve. Typically that means new partnerships between the school, local agencies, and businesses, combined with much greater parental involvement, according to Larry Decker, a Florida Atlantic University professor who has written extensively about community schools.

It is an old idea, as old as the one-room schoolhouse and the tight-knit community that supported it. But it is generating new enthusiasm among educators. More than half of all schools now have some elements of a community school, according to Pat Edwards, a program officer at the C.S. Mott Foundation in Flint, Michigan. But when it comes to schools that build truly collaborative relationships with the community, "those numbers drop drastically," she acknowledged.

While her foundation has studied community schools for decades, in the last five years inquiries from educators have jumped tenfold, said Edwards. "It's gaining momentum," said Trent, whose employer is the Children's Aid Society, a partner in New York City's I.S. 218 community school initiative. Behind that momentum lies the decline of big-city neighborhoods and rural towns. This leaves schools to deal with a host of social problems—drugs, violence, teen pregnancy, etc.—that result from family and community breakdown, noted Edwards. The schools have lacked the resources to meet these challenges effectively, she said, and now they are turning to the community for help.

This relationship runs both ways. While many schools are looking beyond the classroom, some on the outside are looking at schools to see how they could benefit the whole community. "We cannot return to the one-room schoolhouses that communities literally built with their bare hands," wrote Keith Geiger, president of the National

Education Association, in a recent issue of *Education Week*. “But we can begin to reinvigorate our communities by making our public schools truly community schools—ones in which everyone has ownership.”

In Cabot the local school began a few years ago to add the modern components of a community school. “The community didn’t have a health center and the only doctor in town retired,” said Principal Hasse Halley. “The community had a need and we had a need, so we joined together.” Today, the health clinic in the building is open to all Cabot residents. An agreement with a local business permits Cabot students to use the company’s well-equipped chemical lab for science projects. And the school building is now open at night for adult classes on parenting and other topics. “People here feel very connected to the school,” said Halley. “We’re building on the closeness of the school to the community.”

Community schools are not popular with all educators. Many resist the idea of letting the community have input into their schools. “I think there’s fear on the part of some schools to really let everybody in, it gets too complicated. A lot of schools still are like islands,” said Halley. “But schools cannot do it alone. In today’s world it takes the interaction of parents, the school, the workplace, and the community to create an educational environment that works.”

In Cabot, parents volunteer at the school and voters recently approved a bond issue to refurbish the buildings. Parents at Cabot are more involved with their own children’s education as well, which educators now believe to be critically important to a child’s success. “We have a zero dropout rate,” Halley said. “SAT scores are 100 points higher this year than they were last year.” Of course, test scores can swing dramatically within small groups—Halley’s school has only 250 students, from pre-kindergarten through 12th grade. At I.S. 218, with its 1,400 students from grades 6 through 8, test scores are up incrementally since it opened in 1992. In addition, there are far fewer fights and less graffiti than at similar New York City schools, and attendance rates are among the very highest in the city.

From its office in I.S. 218, the Children’s Aid Society provides medical and social-welfare services to both the students and the community. Trent noted the contrast with most New York City

middle schools, where students “are lucky if they get one guidance counselor. They’re lucky if they get a nurse who comes in once a month or something. Here we’re all an integral part of the school.”

A raft of studies in recent years has concluded that community schools do help both students and the community. These findings have fueled interest among educators and public officials, said Decker, who has identified versions of the concept in at least 46 states and the District of Columbia. He singles out Florida and Minnesota as states that have been especially willing to put funds into the effort. “I think the community school is making a comeback,” Decker said. “We return to the idea of the community public school not because it is old, but because it is true,” Geiger wrote. “When schools are the center of the community, as Thomas Jefferson envisioned, we have better schools and better communities.”

Mark Lewis, American News Service

COMMUNITY CURRENCY

Children have long amused themselves by cutting up colored paper to make play money, and now it seems a growing number of adults are refusing to relinquish that fantasy. In the last 10 years, full-grown Americans have begun drawing up their own scrip, not for fun but in serious efforts to benefit themselves and spark economic renewal in their communities. Call them Deli Dollars, Cuyahoga Hours, Farm Preserve Notes or Mountain Money—by any name, scores of local currencies are being issued in cities across the country for uses as varied as the more than 250 communities creating them.

In Harvey, North Dakota, the Chamber of Commerce has kept business from going out of town by issuing over \$100,000 in Harvey beige-embossed bills redeemable at local stores. In Takoma Park, Maryland, P.E.N. Shares, the local currency, keep talent and energy recycling in the neighborhood with the help of a 20-page directory of skills, opportunities, equipment, and goods for sale in exchange for the community dollars.

The results strengthen local economies, said Susan Witt, executive director of the E.F. Schumacher Society in Great Barrington, Massachusetts, an organization that promotes a regional approach to economic development. Local deli owner Frank Tortoriello approached her group's loan fund for money to relocate his business after the banks turned him down. "We told him to turn to his customers for a loan by issuing his own scrip," said Witt. That was 1989. Tortoriello printed Deli Dollars, among the first local currency notes issued anywhere. Backed by bagels and hand-signed by the baker, the \$10 notes Tortoriello sold to his customers for \$9 raised \$5,000 in 30 days. A year after reopening his business in its new location, he redeemed his Deli Dollars. Some became cheese-on-rye sandwiches given as Christmas presents to students, others lunches for a contractor's construction crew. A local minister spent his Deli Dollars for breakfasts after they showed up in his collection plate.

Deli Dollars inspired Berkshire Farm Preserve Notes, issued by two nearby farming families who needed financing during the less productive winter months. Farm Notes featured a dollar look-alike with the head of cabbage in place of George Washington and the banner "In Farms We Trust."

Local currencies allow communities to control their own economic growth by keeping the capital and the decisions at home, Witt said. "If the community is committed to a place, it ought to be able to invest in its future by promising to shop there. This is a way to encourage people to come back to Main Street," she said.

While the Federal Reserve has complex formulas to determine how much money to keep in circulation, the principle guiding local tender is simple: The more people use, the more they get. In Ithaca, New York, individuals and businesses get two Ithaca HOURS—the city's home-grown currency—simply for agreeing to list in a monthly tabloid the goods or services they will provide in exchange for the currency. Each HOUR is worth \$10, the average hourly wage in the area, and can only be spent locally. Participants get periodic bonus payments for continuing to use HOURS, further increasing the supply. HOURS also move into circulation through grants to local nonprofits and no-interest HOUR loans to local businesses.

Buying and selling among neighbors is “a community magic act,” said Paul Glover, Ithaca HOUR’s founder. A former urban designer who has been active in peace, environmental, and community movements, he was inspired to launch Ithaca’s local currency after hearing about Deli Dollars and Berkshire Farm Preserve Notes. The \$54,000 of Ithaca HOURS issued since 1991 have multiplied into \$2 million in exchanged good and services, said Glover. The system now has a downtown HOUR Bank to regulate circulation of the currency, provide visibility, and display an array of the goods available for purchase with Ithaca HOURS. The local currency has expanded what Glover calls the Grassroots National Product. “We printed our own money because we watched federal dollars come to town, shake a few hands, then leave to buy rain forest lumber and fight wars. Ithaca HOURS stay in our region to help us hire each other,” said Glover.

What may seem like a radical economic philosophy has won the support of conservative politicians who find its bootstrap spirit attractive. Local currencies build communities, said John McClaughry, a policy adviser to former President Ronald Reagan who is now president of the Ethan Allen Institute, a Vermont-based think tank. The currencies create a sense of commonality by valuing labor in terms of the simple time devoted to a task, whether it is child care, accounting, or computer programming, he said.

If there is criticism, it will probably come from securities regulators and others within the Federal Reserve System: “anyone who is worried that in times of fiscal crisis people will flee the federal monetary system for something better,” said McClaughry. For most IRS and Federal Reserve officials, however, the issues surrounding local currencies are minute, “not even a blip in their horizon,” said Lewis Solomon, a professor at George Washington University Law School and author of numerous books on corporate law and taxation. The legal questions can be complex, but if communities follow tax and securities rules, no constitutional or federal regulations prohibit issuing local currency, he said.

In Ithaca, many of the purchases with HOURS would not have been made with federal dollars, said Glover. Rather than spend their scarce cash, most working poor would have done without such local commodities as organic foods, wood-fired-oven bread, insulated window shades, and piano lessons.

The homespun multicolored bills usually honor local landmarks and residents. Some Ithaca HOURS are printed on locally made watermarked cattail paper printed with a locally developed thermal ink that makes them more difficult to counterfeit than federal dollars, said Glover. The Harvey Promo Bucks used in the central Nebraska town of 2,500 are minted at the Chamber of Commerce office. The \$1 and \$10 denominations issued over the last 10 years have bought local goods and services and promoted a sense of community along with the local economy, said Chamber Director Kathie Seltvedt. "Nobody ever refuses Harvey Bucks," she said. Takoma Park's P.E.N. Shares—named for the streets, Philadelphia and Eastern, that border the neighborhood—are printed in green ink and feature local Maryland parks and residents bearing flowers, grocery bags, babies, and big smiles. The local currency is part of the urban community's drive to re-establish connections and to encourage neighbors to turn to one another for goods, services, and friendship, said Olaf Egeberg, coordinator of the P.E.N. Neighborhood Exchange program.

The local currency movement sends a message nationwide that communities have alternatives to the market economy that are immune to inflation, recession, and government budget cuts, said Witt. "By keeping our downtowns healthy and good jobs local, we're making the best investment possible in our own future," she added.

Jane Braxton Little, American News Service

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COMMENTARY

A Child's Rights

In 1993, the city of San Jose secured a gang abatement injunction from a superior court judge against any "known" street gang members. In 1995, the California Sixth District Court of Appeal, on grounds of overbreadth and vagueness, threw out all of the injunction except the sections which prohibit criminal activity. The City of San Jose has appealed the case to the California Supreme Court.

In "A Gangsta's Rights" (Winter 1995/96), Roger L. Conner expresses support for the San Jose injunction against alleged gang members. To help demonstrate the potential impact of this injunction, consider the following hypothetical fact pattern based on real circumstances in San Jose.

Sixteen-year old Jaime lives near an area called Rock Springs in San Jose, California. Rock Springs has a primarily Latino population, and is reputed to be a high crime neighborhood. To get to his daily art class at a nearby academy, Jaime must walk through Rock Springs.

Early one morning, in preparation for his class, Jaime places two marking pens in his shirt pocket, gathers his other supplies, and sets off on his daily trek to school. Jaime also puts a bag of marbles in his tote bag, as he and his classmates like to play marbles at lunchtime. While walking, Jaime sees his grandmother drive by in her car. He yells out, "Hi, Grandma!" As his grandmother rounds a curve ahead, one of her tires blows out. Jaime offers to assist his grandmother in changing the tire. He is unable to remove the hubcap with the tools his grandmother has in her car.

An uncle's house is nearby and Jaime knows that the uncle has tools in the backyard. After getting no answer at the front door, Jaime climbs a tree, steps on his uncle's fence, jumps into the backyard, and retrieves a screwdriver. He climbs back over the fence and proceeds to fix the flat tire. While doing so, Gilbert, an acquaintance he knew from grade school, offers to help Jaime with the tire. Unbeknownst to

Jaime, Gilbert was arrested last week for possession of marijuana. In the arrest record, the police wrote that Gilbert is a member of a street gang.

Just then, a San Jose police officer pulls up. He arrests Jaime for contempt of court for multiple violations of an injunction the court of San Jose has against any person purported to be a member of a street gang. (In 1991, Jaime had been picked up by the police with a group of Latino teenagers in a parking lot. The police said they were loitering. No charges were ever brought against Jaime. In the police report from that incident, Jaime was described as a “gang member.”)

If the contempt violation is sustained against Jaime, he may be subject to six months in jail for each violation. Because the contempt proceeding is a civil matter, Jaime will have no right to an attorney, and no right to a jury trial.

Can you spot the seven times Jaime has violated the original injunction in the above fact pattern? Can you explain to Jaime what he did wrong that morning? Can you explain how arresting Jaime protects the Rock Springs Community from crime?

Jaime’s violations of the injunction were as follows:

1. Carrying marker pens.
2. Possession of marbles.
3. Talking to someone in a car (Grandma).
4. Climbing a tree.
5. Climbing a fence.
6. Possessing a screwdriver.
7. Talking to a “known” gang member (Gilbert).

All of these otherwise innocent activities violate the injunction when performed by a child who has been branded as a “gang member,” even if, as in Jaime’s case, that child has never even been arrested.

If Jaime were a white middle-class teenager, the absurdity of this injunction would be even more readily apparent. These types of injunctive actions by cities in California target minority youth. This attempt to circumvent the criminal law by permitting police to arrest

children in African-American, Latino, and Asian neighborhoods for otherwise lawful behavior must be stopped in its tracks.

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