

The Responsive Community

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UP FRONT

- 4 **How to Argue in a Democracy** — John Leo
A New Fourth: A National Unity Day? — Amitai Etzioni

ESSAYS

- 9 **Asian versus “Universal” Human Rights**
Bilahari Kausikan
A top Singaporean official challenges the notion that “Western” ideals can be applied to places such as China, Hong Kong, and Singapore.
- 22 **Asia’s Unacceptable Standard**
Aryeh Neier
Responding to Kausikan, the author takes a critical look at accusations of Western cultural imperialism made by Asian leaders.
- 31 **How Therapists Threaten Marriages**
William J. Doherty
After just two sessions, a psychologist recommends that a woman end her 18-year marriage, a marriage that until one month prior appeared relatively healthy. Was this just a case of a hasty therapist, or something more?

continued...

- 43 **The Duty to Rescue: A Liberal-Communitarian Approach**
Steven J. Heyman
U.S. law does not require you to throw a rope to a drowning person. Is this reliance on people's altruism appropriate, or should we seek to enforce such good behavior by law?
- 50 **Multiculturalism, "Canon," and Community**
Christopher Clausen
Neither devotion to a pre-set Western canon, nor worship of the cult of multiculturalism, is what higher education or the community at large deserves.
- 60 **Devolution and Equity: Lessons from Germany and Boston**
Rita Schneider-Sliwa
As we extend more responsibilities to the states and localities, it might be wise to look at programs that have already been tried.

DEPARTMENTS

- 65 **Community Action**
Religious Freedom vs. Local Ordinances — Madeline Brand
Zoning for Churches: No Magic Formula — Marc D. Stern
- 73 **The Community Bookshelf**
A New Harmony? — James Burk
Review of Charles C. Moskos and John Sibley Butler's *All That We Can Be: Black Leadership and Racial Integration the Army Way*
Especially Noted — Jessica Mayer
- 81 **Libertarians, Authoritarians, Communitarians** — Nora Pollock
- 86 **Kaleidoscope** — Michael Bocian
- 89 **The Community's Pulse**
- 90 **Community News**
- 93 **Commentary** — Anne Mackin and Alex Krieger
- 96 **Contributors**

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UP FRONT

How to Argue in a Democracy

John Leo

A few years ago, I was the substitute host on one of the popular late-night radio talk shows in New York. For four hours, the switchboard lit up with listeners eager to talk about the two hot-button topics of the evening: domestic violence and Afrocentrism. Calls rolled in from feminists, antifeminist women, abused women, abused men, blacks and whites discussing the fine points of ancient Egypt and the treatment of blacks by white historians. With one exception (a man who calls in regularly to disparage blacks), the callers conducted a very serious, informed debate with great civility.

Why doesn't this happen more often? On most talk radio, 75 percent of the listeners seem to phone in to echo what has just been said. Most others seem to be patrolling for group slights or to point out that the guest is full of beans.

So far, the political discussions on the online computer services have not seemed much better. In the *U.S. News* forum on CompuServe, an exasperated woman named Julie tapped out the message that, "Reading some of the threads online is like listening to my two teens arguing over anything and everything: 'Did not...Did too...Did not...Did too...MOM!!'"

Many social critics have tried to explain the low level of political discussion and debate. Some think the increasingly truculent and

ideological tone of American politics makes debate seem too wearing and pointless: Each side knows what the other will say, so why bother going through it again and again? In his last book, *The Revolt of the Elites and the Betrayal of Democracy*, the late Christopher Lasch blamed this situation on the rise of television debate (which puts a premium on appearance and unflappability rather than on the substance of argument) and the rise of “commercial persuasion” (an increasingly cynical electorate comes to feel manipulated by PR people, lobbyists, and advertising campaigns). Jean Bethke Elshtain, in her book, *Democracy on Trial*, makes a related point. Technology, she says, has brought us to the brink of a politics based on instant plebiscite. With telepolling and interactive TV, politicians can respond to the majority’s wishes (and whims) on any subject, “so there is no need for debate with one’s fellow citizens on substantive questions. All that is required is a calculus of opinion.”

This is a skewed form of democracy that fits the current atomized state of American society. Politics can be based on the offhand views of mostly semi-informed individuals sitting alone in front of the TV, randomly pushing buttons. But as Elshtain says, “A compilation of opinions does not make a civic culture; such a culture emerges only from a deliberative process.”

Lasch argued that a citizenry cannot be informed unless it argues. He wrote that only an impassioned political argument makes the arguer look hard for evidence that will back up or tear down his position. Until we have to defend our opinions in public, he said, they remain half-formed convictions based on random impressions: “We come to know our own minds only by explaining ourselves to others.”

Many critics argue that the rise of government bureaucracies, converting citizens into clients, has eliminated the local meetings that served as seedbeds of public political argument. So has the rise of politics based on litigation, which downgrades all political argument not conducted in front of a judge. This has gone hand in hand with the “rights” revolution. Once a desire is positioned as a right, by definition it cannot be challenged. It is a trump card, beyond debate.

A great many of these offenses against ordinary democracy have been conducted by the left, but the right has been guilty too, chiefly of importing strongly held moral positions directly into politics as asser-

tions rather than as matters of debate. A conviction may be personal or religious, but it has to be defended rationally against people with different principles, or there is no point in discussing it at all.

The hollowing out of our civic culture has many causes that help explain the decline of political debate. A crucial one is the rise of the therapeutic ethic. Starting in the 1960s, the nation's sense of itself has been deeply influenced by the rapid spread of therapies, encounter groups, self-help, the languages of self-esteem and personal growth, and an array of New Age notions, some of them quasi religions based on the primacy of the self. This has created a vast Oprahized culture obsessed with feelings and subjective, private experiences. In some ways, this culture of therapy has positioned itself as the antidote for America's fragmentation and the decline of civic culture. But it pushes young people into monitoring their own psyches and away from environments where they might learn civic and political skills. And it tends to kill any chance for political debate by framing values as mere matters of personal taste: You like vanilla, I like butter pecan.

It is important to reverse this process. We need a lot more emphasis on public discourse and common problems, and a lot less mooning about our individual psyches.

A New Fourth: A National Unity Day?

Amitai Etzioni

The way we celebrate our holidays tells volumes about the values to which we are committed. Over the last decades, in many suburbs, patriotic parades of bands playing Sousa marches, veterans carrying tattered flags, and fire departments proudly displaying the community's shiny new truck, have been replaced by barbecues in backyards and an additional day on the beach. We no longer measure the day by the number of flags raised from rooftops and verandas or the length of patriotic speeches, but by the pounds of hot dogs

consumed, beer lapped up, and above all, the record of people killed driving under the influence. Even if there is a concert in the commons, it is likely to be an imitation Beach Boys (“cruising with a girl...”), Van Halen, or maybe Brahms. Fireworks still abound, but their colors are not necessarily red, white, and blue. While glimpses of the traditional Fourth can still be found on Main Street in small-town America and in working class neighborhoods, in many upscale communities it is a day friends hang around with each other, at home or at a private picnic.

The fact that the glorious Fourth has been recast in many parts of the country should not particularly faze us; it has been in flux from its inception, as Diana Karter Appelbaum details in her study, *The Glorious Fourth*. The early celebrations of Independence Day were religious, frequently ending with a communal dinner in a church, following John Adams’s dictum of commemorating the day with “solemn acts of devotion to God Almighty.” In the generations that followed, the Fourth was gradually secularized; military parades grew in prominence, only to be overtaken by car races and golf tournaments. In the 19th century the holiday often served to highlight the growing role of the United States as a technological and economic power. In 1817, the Fourth marked the beginning of the construction of the Erie Canal; nine years later, the Pennsylvania Grand Canal; and nine more years later, the inauguration of the Boston and Worcester Railroad. But more recently, as patriotism declined in the 1960s, and as concern with safety in public spaces rose and suburbanization gained, the patriotic Fourth waned.

How can we rejuvenate the spirit of the Fourth? There is some yearning to recapture the holiday as an expression of our shared values, to prevent Independence Day from becoming merely another R-and-R day. Flags fly more often than during the alienated days of the war in Vietnam, and marching bands are again in vogue—although they hint that a different type of Fourth may be in our future, a day of unity for the diverse America that we have become. These days, bands that differ greatly in their racial and ethnic composition often march in the same step, playing a rather similar mix of tunes. Marchers carry flags that display their particular ethnic heritage—whether they are Italian, Israeli, or Puerto Rican—as well as Old Glory, as if saying you can be proud of your origins and be a loyal American. Recent Fourth

of July parades have been led by multicolor honor guards carrying the colors, followed by fife-and-drum corps all wearing traditional American uniforms, faces as varied as the rainbow.

Once we put our minds to it, we are sure to find other ways of stating that one can be both a loyal American and proud of one's particular heritage. Imagine a group of Americans standing on the steps of a town hall, reading the Declaration of Independence, in one accent after another. Orators may embrace the theme that while we came in many ships we now ride in the same boat. The Fourth may become the day new immigrants are sworn in as American citizens. To point to community service as the new shared American frontier, those who newly volunteered to serve in the AmeriCorps might take their oath on this day, and high school students who completed their community service might march down Main Street, surely to thunderous applause.

Other communities may seek to emulate Ontario, California, which sets a two-mile-long picnic table on their main street around which all members of the community can feast. Suburbanites and city dwellers may close their side street for the day, to allow unfettered block parties. In one way or another, people would be drawn from their private yards and apartments back into shared public spaces, to be united, at least for the day. Nations do not have one birthday; they need to be continuously reborn.

ESSAYS

Asian versus “Universal” Human Rights

Bilahari Kausikan

East and Southeast Asia must respond to a new phenomenon: Human rights have become a legitimate issue in international relations. How a country treats its citizens is no longer a matter for its own exclusive determination. Others can and do legitimately claim a concern. There is an emerging global culture of human rights; and a body of international law on human rights has gradually developed, codified in the United Nations Charter, the Universal Declaration of Human Rights, and other international instruments. The United States and many European countries increasingly emphasize human rights in their foreign policies. Of course human rights are not, and are not likely to become, a primary issue in international relations. Their promotion by all countries will always be selective, even cynical, and concern for human rights will always be balanced against other national interests. Nevertheless, the Western emphasis on human rights will affect the tone and texture of post-Cold War international relations.

In response, East and Southeast Asia are reexamining their own human rights standards. Of the noncommunist states in the region, only Japan, South Korea, and the Philippines are parties to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Seoul and

Manila have also accepted the Optional Protocol to the International Covenant on Civil and Political Rights. Tokyo has partially adopted the Western approach to human rights. But there is a more general acceptance of many international human rights norms, even among states that have not acceded to the two covenants or that are accused by the West of human rights abuses.

The human rights situation in the region, whether measured by the standard of civil and political rights, or by social, cultural, and economic rights, has improved greatly over the last 20 years. As countries in the region become more prosperous, secure, and self-confident, they are moving beyond a purely defensive attitude to a more active approach to human rights. All the countries of the region are party to the U.N. Charter. None has rejected the Universal Declaration. There are references to human rights in the constitutions of many of the countries in the region. Countries like China, Indonesia, and even Burma have not just brushed aside Western criticism of their human rights records but have tried to respond seriously, asserting or trying to demonstrate that they too adhere to international human rights norms. They tend to interpret rather than reject such norms when there are disagreements. They discuss human rights with Western delegations. They have released political prisoners; and Indonesia, for instance, has even held commissions of inquiry on alleged abuses and punished some officials found guilty.

Nonetheless, abuses and inconsistencies continue. But it is too simplistic to dismiss what has been achieved as mere gestures intended to appease Western critics. Such inclinations may well be an element in the overall calculation of interests. And Western pressure undeniably plays a role. But in themselves, self-interest and pressure are insufficient and condescendingly ethnocentric Western explanations. They do less than justice to the states concerned, most of which have their own traditions in which the rulers have a duty to govern in a way consonant with the human dignity of their subjects, even if there is no clear concept of "rights" as has evolved in the West. China today, for all its imperfections, is a vast improvement over the China of the Cultural Revolution. So too has the situation in Taiwan, South Korea, and the Association of Southeast Asian Nations (ASEAN) improved. Western critics who deny the improvements lose credibility.

But as countries in East and Southeast Asia position themselves more in the international human rights mainstream, they are trying to stake out distinctive positions in line with their own cultures, histories, and special circumstances. Like all states, East and Southeast Asian countries still subordinate human rights to other vital national interests, such as the territorial integrity of the state or the fundamental nature of their political systems. Moreover, the movement toward greater emphasis on human rights is not even. But in that respect the region is no different from the West. Such imperfections are inescapable political realities; it does not advance human rights to ignore—in the name of a pristine, but unattainable, ideal—the real progress that has occurred.

One must keep in mind that the diversity of cultural traditions, political structures, and levels of development will make it difficult, if not impossible, to define a single distinctive and coherent human rights regime that can encompass the vast region from Japan to Burma, with its Confucian, Buddhist, Islamic, and Hindu traditions. Nonetheless, the movement toward such a goal is likely to continue. What is clear, however, is that there is general discontent throughout the region with a purely Western interpretation of human rights, and rightly so. A recent study by David Hitchcock, a former official of the United States Information Agency, showed that there are some significant differences between Asian and Western societies in the realm of values. In the Hitchcock study, Asians placed a greater value on honesty, self-discipline, and order, while Americans were more concerned about personal achievement, helping others, and personal freedom. Thus it should not surprise anyone that Asian and Western societies have different understandings of human rights and democracy.

Rhetoric: Cheap, Easy, and Makes You Feel Good

A discussion of the global human rights dialogue must look at the context within which it is occurring. As the external threat to their survival recedes in the post-Cold War world, the United States and Europe are turning to deal with urgent and difficult domestic problems. The West will have less time, attention, and resources to devote to the rest of the world. Yet the United States and several European

Community (EC) countries still regard themselves as global powers. It would require a painful redefinition of their identities if they did not seek a voice in the affairs of an economically dynamic region like East and Southeast Asia. They may be tempted, at least on occasion, to employ the rhetoric of human rights as a substitute for policies that would require an inconvenient commitment of resources or attention. Talking about human rights is an easy, cheap, and popular way to exercise influence or maintain the illusion of involvement.

Meanwhile, relations among the United States, Europe, and Asia may lead the West to use human rights as an instrument of economic competition. As American and European apprehensions about their competitiveness rise, the West is emphasizing values like openness and equal opportunity and relating them to broader issues of freedom and democracy. Japan's commitment to such values is already being questioned and its cultural traits criticized as deviations from allegedly "universal" norms.

The lengthening catalogue of rights and freedoms in international human rights law now encompasses such matters as pay, work conditions, trade unions, standard of living, rest and leisure, welfare and social security, women's and children's rights, and the environment. The pressure and temptation to link economic concerns with human rights will certainly rise if economic strains increase. That is not to say that the West is insincere in its commitment to human rights. But policy motivations are rarely simple; and it is difficult to believe that economic considerations do not to some degree influence Western attitudes toward such issues as, say, the prison labor component of Chinese exports, or child labor in Thailand.

But efforts to promote human rights in Asia must also reckon with the altered distribution of power in the post-Cold War world. Power, especially economic power, has been diffused. For the last two decades, most of East and Southeast Asia has experienced strong economic growth and will probably keep growing faster than other regions well into the next century. Not just Japan, but increasingly the newly industrialized economies (NIEs), near NIEs like Thailand and Malaysia, and subregions such as southern China are considerable forces in the global economy. The economic success of East and Southeast Asia is the central strategic fact of the 1990s.

Because East and Southeast Asia are now significant actors in the world economy, there is far less scope for conditionality and sanctions to force compliance with human rights. The region is an expanding market for the West. Global production networking makes the region an important source of intermediate goods for Western industry. It is also becoming a source of capital. What hurts East and Southeast Asia will also pain the West. And the growing interdependence within the region and among Asia, Europe, and America will make it difficult to single out any one country for sanction without hurting others. That may explain the compromise on East Timor worked out during the October 1992 ASEAN-EC ministerial meeting. In July 1992, Portugal had vetoed a new ASEAN-EC agreement because of East Timor. In the October meeting, the majority of EC countries agreed to regard East Timor as a bilateral problem between Portugal and Indonesia and conduct business as usual with ASEAN.

Not So Manifest Destiny

Most Western governments are well informed about political and economic conditions in East and Southeast Asia. Most therefore try to pursue nuanced policies on human rights. But what Western governments would consider a sophisticated appreciation of the complexities and realistic policies, their publics, media, and human rights non-governmental organizations (NGOs) often dismiss as timidity. The Western media, NGOs, and human rights activists, especially in the United States, tend to press the human rights dialogue beyond the legitimate insistence on humane standards of behavior by calling for the summary implementation of abstract concepts without regard for a country's unique cultural, social, economic, and political circumstances. And it is precisely those NGOs and media that are most influential in shaping the public attitudes to which Western governments must respond. In the post-Cold War world, advocacy organizations can be expected to seize the opportunity to push harder.

For many in the West, the end of the Cold War was not just the defeat or collapse of communist regimes, but the supreme triumph and vindication of Western systems and values. It has become the lens through which they view developments in other regions. There has been a tendency since 1989 to draw parallels between developments

in the Third World and those in Eastern Europe and the former USSR, measuring all states by the advance of what the West regards as “democracy.” That is a value-laden term, itself susceptible to multiple interpretations, but usually understood by Western human rights activists and the media as the establishment of political institutions and practices akin to those existing in the United States and Europe.

There is good reason to doubt whether the countries of the former USSR and Eastern Europe will really evolve into “democracies” anytime soon, however this term is defined, or even whether such a transformation would necessarily always be for the better, given the ethnic hatreds in the region. But the Western approach is ideological, not empirical. The West needs its myths; missionary zeal to whip the heathen along the path of righteousness and remake the world in its own image is deeply ingrained in Western (especially American) political culture. It is entirely understandable that Western human rights advocates choose to interpret reality in the way they believe helps their cause most.

But that is not how most East and Southeast Asian governments view the world. Economic success has engendered a greater cultural self-confidence. Whatever their differences, East and Southeast Asian countries are increasingly conscious of their own civilizations and tend to locate the sources of their economic success in their own distinctive traditions and institutions. The self-congratulatory, simplistic, and sanctimonious tone of much Western commentary at the end of the Cold War and the current triumphalism of Western values grate on East and Southeast Asians. It is, after all, the West that launched two world wars, supported racism and colonialism, perpetrated the Holocaust and the Great Purge, and now suffers from serious social and economic deficiencies. It has difficulty competing economically and is unwilling to come to grips with many of its own domestic problems, all too prone to blame others for its own failings, and apparently exhausted of everything except pretensions of special virtue.

The hard core of rights that are truly universal is smaller than many in the West are wont to pretend. Forty-five years after the Universal Declaration was adopted, many of its 30 articles are still subject to debate over interpretation and application, not just between

Asia and the West, but within the West itself. Not every one of the 50 states of the United States would apply the provisions of the Universal Declaration in the same way. It is not only pretentious but wrong to insist that everything has been settled once and forever. The Universal Declaration is not a tablet Moses brought down from the mountain. It was drafted by mortals. All international norms must evolve through continuing debate among different points of view if consensus is to be maintained.

Most East and Southeast Asian governments are uneasy with the propensity of many American and some European human rights activists to place more emphasis on civil and political rights than on economic, social, and cultural rights. They would probably not be convinced, for instance, by a September 1992 report issued by Human Rights Watch titled "Indivisible Human Rights: The Relationship of Political and Civil Rights to Survival, Subsistence and Poverty." They would find the report's argument that "political and civil rights, especially those related to democratic accountability," are basic to survival and "not luxuries to be enjoyed only after a certain level of economic development has been reached" to be grossly overstated. Such an argument does not accord with their own historical experience. That experience sees order and stability as preconditions for economic growth, and growth as the necessary foundation of any political order that claims to advance human dignity.

The Asian record of economic success is a powerful claim that cannot be easily dismissed. Both the West and Asia can agree that values and institutions are important determinants of development. But what institutions and which values? The individualistic ethos of the West or the communitarian traditions of Asia? The consensus-seeking approach of East and Southeast Asia or the adversarial institutions of the West? The fact is that Western-style democracy cannot be defended by abstract or a priori reasoning. Democracy, in whatever form, must be made to work.

Heal Thyself

Poverty, insecurity, and instability breed human rights abuses, while wealth creates the stability that Western societies enjoy and allows the operation of political institutions that in less favorable

circumstances could lead to disaster. Only America's wealth, for example, allows it to operate a political system that elevates conflict to the status of principle and makes a virtue of a tendency toward paralysis in all but exceptional circumstances. Wealth makes political institutions almost irrelevant to the well-being and happiness of the majority in many Western societies. Many Americans do not even bother to vote and the popular estimation of American politicians is low. Those are among the luxuries that wealth buys. But the costs are already becoming evident.

As the international distribution of power and wealth has changed, some in the West have begun to look inward, examining such issues as the responsibility of the individual to society, the role of the family, the integrity of public institutions, and the maintenance of law and order. Many Westerners have become convinced that serious problems have arisen in their own countries as a result of an overemphasis on liberal values and individual rights. Under particular scrutiny is the West's tendency to transform every social issue into an uncompromising question of "rights." In fact, the most trenchant criticisms of extreme individualism and of key elements of Western-style systems come not from Asia, but from the West. There are grounds to question whether, viewed against the continuing march of history, the Western type of "democracy" provides optimal societal arrangements, or even whether it can endure in its present form.

At any rate, many East and Southeast Asians tend to look askance at the starkly individualistic ethos of the West in which authority tends to be seen as oppressive and rights are an individual's "trump" over the state. Most people of the region prefer a situation in which distinctions between the individual, society, and state are less clear-cut, or at least less adversarial. It will be far more difficult to deepen and expand the international consensus on human rights if East and Southeast Asian countries believe that the Western promotion of human rights is aimed at what they regard as the foundation of their economic success.

Elites and Human Rights Rhetoric: A Convenient Relationship

There is, however, a natural tactical convergence of interests between the Western media and human rights activists and those aspiring Asian elites who are challenging established governments.

Such elites seek sympathy and legitimacy abroad by espousing human rights, just as the rhetoric of anticommunism served to gain support in the West during the Cold War, and nationalist leaders of an earlier generation employed the ideology of liberalism to undermine the legitimacy of illiberal colonial regimes. Thus the popular image is created of repressive Asian governments holding down the masses who yearn to be free, occasioning cheers when the governments fail and condemnation when they succeed. Such are, for example, some common popular Western interpretations of events in China in June 1989 and in Thailand in May 1992. Such images are not always entirely wrong, as events in Rangoon in 1988 showed, but they often have a political significance that bears little relationship to their accuracy.

If dramatic scenes of the “Goddess of Democracy,” cleverly modeled after the Statue of Liberty, and students shouting defiance in Tiananmen stirred Western hearts, the emotion obscured the fact that the vast peasantry of China, among the first beneficiaries of Deng Xiaoping’s reforms, were largely unmoved. Sympathy for the students came, if at all, after the massacre and probably had more to do with the disproportionate use of force against them than with their ideas. What may have struck a chord with the peasants was not “democracy,” but complaints against inflation, corruption, and nepotism. When Westerners cheered the Bangkok crowds that brought down General Suchinda Kraprayoon’s government, they forgot that most Thais accepted the previous year’s military coup, which Suchinda carried out against the corrupt Chatichai government. The most popular recent Thai prime minister, Anand Panyarachun, was not elected and ruled out his participation in the electoral process. And only six years after Imelda Marcos and her husband’s crony Eduardo Cojuangco fled the Philippines in ignominy, both obtained more votes combined in the May 1992 presidential election than Fidel Ramos, whose opposition to Marcos in 1986 tipped the balance in favor of people power.

One explanation of the contradictions in Asian attitudes is that popular pressures against East and Southeast Asian governments may not be so much for “human rights” or “democracy” but for good government: effective, efficient, and honest administrations able to provide security and basic needs with good opportunities for an improved standard of living. To be sure, good government, human

rights, and democracy are overlapping concepts. Good government requires the protection of human dignity and accountability through periodic fair and free elections. But they are not always the same thing; it cannot be blithely assumed that a greater emphasis on Western democratic institutions and Western definitions of human rights will inevitably lead to good government, as the many lost opportunities of the Aquino government demonstrated. The apparent contradictions mirror a complex reality: Good government may well require, among other things, detention without trial to deal with military rebels or religious and other extremists; curbs on press freedoms to avoid fanning racial tensions or exacerbating social divisions; and draconian laws to break the power of entrenched interests in order to, for instance, establish land reforms. In sum, the ultimate goal of good government should be balancing different values, rights, duties, and freedoms, all with an eye towards sustained development, the maintenance of social cohesion, and the avoidance of serious problems.

Those are the realities of exercising authority in heterogeneous, unevenly modernized, and imperfectly integrated societies with large rural populations and shallow Western-style civic traditions. The competing Asian elites who today use human rights rhetoric to advance their causes may find good reason to retain and use the above measures if ever they come to power and encounter the realities of governance. Espousing or claiming rights in the midst of political struggle does not mean they will or can be granted once the struggle is won. After all, their predecessors found it prudent to retain the colonial laws that had been used against them and that they too denounced as contrary to human rights. Disagreements over human rights, therefore, may not be resolved even if the current generation of East and Southeast Asian leaders is replaced. The conviction that these countries are inevitably evolving toward Western-style democracy is unwarranted. Greater convergence with the West is possible, but a perfect fit is unlikely.

The Remaining Room for Debate

For East and Southeast Asia, the challenge will be to devise credible, distinctive, and coherent positions within the parameters of international law on human rights. Most East and Southeast Asian governments sincerely want to protect and advance the human dig-

nity of their citizens, even if they must do so within the constraints of their circumstances. Their good faith is less likely to be questioned if they accept the framework of the two U.N. human rights covenants. Those documents are flexible enough to accommodate a diversity of political institutions, cultures, and traditions. There is sufficient provision for reservation and derogation, as well as room for further interpretation to ensure that special conditions are acknowledged and vital interests not compromised. Working within existing international law on human rights will also ameliorate what could otherwise be the overwhelming influence of the area's most powerful states, Japan and China, on the evolution of a regional position.

The challenge for the West is far more difficult because it requires wrenching psychological adjustments. The West must internalize the reality of diversity in all its dimensions and acknowledge that, notwithstanding the existence of a body of international law on human rights, many rights are still contested, and others face important, and perhaps unresolvable, conflicts of interpretation.

The West is no more or less special than any other region. It must recognize that the main influence on the development of human rights in East and Southeast Asia will be internal, and thus difficult for the West to reach. Abrasive or ill-considered attempts to influence that dynamic are not only unlikely to succeed but could set back acceptance of human rights by arousing nationalistic responses. The secular theologians of liberal democracy must come to terms with this reality. Progress will entail eschewing transcendent crusades or dramatic confrontations for patiently and quietly building consensus on modest, specific objectives through a still-evolving process of international lawmaking. The result will not always reflect Western preferences.

Future Western approaches on human rights will have to be formulated with greater nuance and precision. It makes a great deal of difference if the West insists on humane standards of behavior by vigorously protesting genocide, murder, torture, or slavery. Here there is a clear consensus on a core of international law that does not admit of derogation on any grounds. The West has a legitimate right and moral duty to promote these core human rights, even if it is tempered by limited influence. But if the West objects to, say, capital punishment, detention without trial, or curbs on press freedoms, it

should recognize that it does so in a context where the international law is less definitive and more open to interpretation, and where there is room for further elaboration through debate. The West will have to accept that no universal consensus may be possible and that states can legitimately agree to disagree without being guilty of sinister designs or bad faith. Trying to impose pet Western definitions of “freedom” and “democracy” is an incitement to destructive conflict, best foregone in the interest of promoting real human rights.

The international law on human rights provides a useful, relatively precise, and common framework for the human rights dialogue between West and East. It helps prevent “human rights” from becoming a mere catchphrase for whatever actions the West finds contrary to its preferences or too alien to comprehend. But the implementation, interpretation, and elaboration of the international law on human rights is unavoidably political. It must reflect changing global power structures and political circumstances. It will require the West to make complex political distinctions, perhaps refraining from taking a position on some human rights issues, irrespective of their merits, in order to press others where the prospects for consensus are better.

If, for example, the West protests the murder or “disappearance” of East Timorese, it is likely to get a hearing in Jakarta. The Suharto government would not dispute that such events are wrong, and it has in fact behaved very correctly, punishing the senior military officers responsible for the Dili tragedy. Similarly, the West can legitimately object to the torture or murder of Tibetans or point out defects in the administration of justice in China. If done with patience and finesse, there is some chance of improving conditions as China develops. But to demand independence for East Timor or Tibet is an entirely different matter. It is a fantasy to believe that any Indonesian or Chinese government would do anything but reject that outright, no matter what the West does. And it is not self-evident that the cause of human rights will really be advanced if China or Indonesia, both of which contain a diversity of ethnic groups, disintegrates under such centrifugal pressures, generating instabilities across the region. It is immoral for the West to give East Timorese or Tibetans false hope by encouraging wild dreams of self-determination. Better to help the East Timorese and Tibetans improve their lot within the existing system.

Unfortunately, it is not obvious that Western governments are free to adopt such hardheaded policies of political triage. It goes against the most deeply held Western notions of human rights: individualism, the idea that rights are held against the state, the primacy of civil and political rights, and universalism. It will be complicated by the temptation to use human rights to pursue other interests. And it raises difficult questions about the role of human rights NGOs in mobilizing public and media pressures on Western governments to take action. Precisely because they are advocacy organizations, NGOs must adopt a strident, adversarial stance; they are impatient of nuance; they must define issues in stark moral outline; and they are usually quick to dismiss interpretation and exception as self-serving. For them, to do otherwise is to risk diminishing their influence and lose public support in a maze of moral ambiguities and contradictions.

Yet it is only through such thickets of compromise, contradiction, and ambiguity that further progress on human rights can be made. Those in the West concerned about human rights in East and Southeast Asia, therefore, must be asked a simple question: Do you ultimately want to do good, or merely posture to make yourselves feel good?

Asia's Unacceptable Standard

Aryeh Neier

Bilahari Kausikan contends that international human rights advocates ignore cultural differences and seek to impose rules that reflect the “individualistic ethos of the West” in East and Southeast Asia, where the tradition is that of “consensus seeking.” He argues that the authoritarian systems of Asia have produced stability and prosperity for their people and that Asia will resist Western efforts to promote human rights, particularly if they are seen to threaten the foundations of Asian economic success.

But Kausikan paints with too broad a brush. He characterizes the West as “individualistic” or “adversarial” and the East as “communitarian” or “consensus seeking.” In fact, each region has its individualistic and communitarian traditions. Hong Kong’s entrepreneurs, who have made Hong Kong an outstanding economic success, are as individualistic as their Western counterparts. And seminal figures in the development of the West’s rights-based traditions, such as John Locke and Thomas Jefferson, also had their communitarian sides. Each believed that a functioning civil society was essential to the exercise of individual rights and that a central purpose of those rights was the establishment of good government. The views they espoused, which helped shape the international agreements on rights in our time, are characterized as individualistic principally because of their belief that a ruler’s authority was conditional, not absolute, and that the individual did not give up all rights in entering civil society.

Kausikan uses the term “consensus seeking,” but “consensus imposing” is a more fitting description of some governments in East and Southeast Asia. “Consensus seeking” implies that all citizens may

express their views and that, having heard one another, as in a Quaker meeting, they attempt to arrive at a consensus. The press freedoms that seem anathema to Kausikan are essential to such a process. If a government official fears that an article in the press that is critical of government policy will prevent consensus from forming, that concern may reveal that the government in fact does not seek true consensus.

An example of the way governments in East and Southeast Asia impose consensus is Malaysia's suppression of public discussion of logging in the Borneo state of Sarawak. Indigenous residents of the rainforests that are being destroyed were detained without charges or trial in order to prevent them from speaking out. Local publications, as well as such foreign magazines as the *Economist* and the *Far Eastern Economic Review*, were banned in order to suppress information about the despoliation of the environment and the enrichment of government officials who own vast timber concessions in Sarawak. Such are the measures that Kausikan seeks to mask with claims that the governments of the region are upholding communitarian and consensus-seeking values.

Human Rights: Their Practical Role

Are authoritarian systems required to maintain the economic success of East Asia and Southeast Asia? And does the promotion of human rights undermine that success? Such claims seem questionable at best.

The main reason to promote human rights worldwide is that intrinsic values are at stake—namely the right of all persons to be free from cruel and arbitrary punishment; to be able to express themselves freely; and to matter equally regardless of race, ethnicity, religion, or gender. Those rights are fundamental because they define us as human beings. By and large, people will not consent to a denial of such rights except in the face of superior force.

That said, the case that human rights are also instrumental in such achievements as economic success seems far stronger than the case Kausikan makes to delay human rights pending prosperity. Open societies around the world are flourishing economically to a far greater extent than closed societies or societies that were closed until recently. There are, of course, exceptions. They demonstrate that

political freedom, by itself, is no guarantee of prosperity and that the denial of political freedom does not ensure economic failure. Some of the exceptions are states in East and Southeast Asia. Yet even within that region, the mightiest economic power is Japan, a society that is not welcoming to outsiders but that generally respects the rights of its own citizens. In Japan, the sort of press criticism of governmental corruption that would not be tolerated in China, Indonesia, Malaysia, or Singapore is published freely. The Japanese government's peaceful critics are not jailed arbitrarily. In another example, prior to the current transfer of power, Hong Kong, though not a democracy, had a far freer press than Singapore, and it thrived. South Korea and Taiwan have not suffered economically as they have made the transition from authoritarianism to relative openness. In contrast, countries with repressive governments, such as Burma, Cambodia, Laos, and Vietnam, are among the world's poorest. Even in China, most people remain impoverished despite the recent economic boom.

Kausikan tells us that it is Western wealth that "allows the operation of political institutions that in less-favorable circumstances could lead to disaster." There is an element of truth here, but his argument carries the ahistorical implication that the West's wealth came before its embrace of human rights. Actually, the two proceeded in tandem and it is virtually impossible to separate cause from effect. Great Britain acquired great wealth during the 17th and 18th centuries, the period when its dissenters and philosophers were laying the foundation for the legal recognition of human rights. Similarly, in the United States, rights were codified at about the same time the country began to achieve great prosperity.

Finally, it is worth noting that some inhabitants of East and Southeast Asia have endured great costs for present-day economic advances. As discussed in the Human Rights Watch report that Kausikan singles out for criticism, "Indivisible Human Rights," between 15 and 30 million Chinese lost their lives in the famine of 1958-61 created by Mao Tse-tung's "Great Leap Forward." During that disastrous period of ill-conceived industrialization and agricultural collectivization schemes, few in China spoke out in protest. The reason is not hard to find. In the late 1950s, thousands who had been encouraged to speak out during the short-lived period of "Let a hundred flowers bloom and a hundred schools of thought contend"

found themselves denounced, imprisoned, or even executed. So, by the time the policies that caused the famine were instituted, few were willing to criticize them openly. Even when the famine was underway, Beijing got false information from rural cadres who felt obliged to report that Mao's programs were a great success. When it became aware of the famine, Beijing shrouded the information in secrecy to avoid discrediting Mao, thereby making it impossible to launch relief efforts. It was such disasters that made Human Rights Watch conclude that "rights are not luxuries to be enjoyed only after a certain level of economic development has been reached."

Which Rights Are Universal?

Kausikan accepts that every government should be held to certain standards. Indeed, he asserts that it is not only legitimate that genocide, murder, torture, and slavery should be prohibited, but also that the West has a "moral duty" to insist on the elimination of such practices. What legitimates campaigns to end such abuses, he writes, is that "there is a clear consensus on a core of international law that does not admit of derogation on any grounds."

But, Kausikan writes, the Western media, non-governmental organizations (NGOs), and human rights activists "press the human rights dialogue beyond the legitimate insistence on humane standards of behavior by calling for the summary implementation of abstract concepts without regard for a country's unique cultural, social, economic, and political circumstances." Those groups, he writes, exercise undue influence, creating a climate of public opinion that shapes the way Western governments use human rights issues internationally.

I cannot speak for such broad categories as Western media, NGOs, and human rights activists generally; nor would I wish to do so. It seems sufficiently presumptuous to try to represent the views of the relatively small number of NGOs based in the United States or Western Europe that systematically attempt to promote human rights worldwide in accordance with recognized international standards. Even within that group of organizations there are significant differences of opinion. Nevertheless, on the questions Kausikan addresses, there is a broad consensus within the mainstream of the international human rights movement, which, for purposes of brevity, I will call "the movement."

Kausikan exaggerates his own quarrel with the movement, which accepts that its core concerns worldwide are torture, murder, and disappearances. (Slavery would be in the same category if its practice were comparably widespread.) Documenting and campaigning against those practices constitute much of the day-to-day work of the movement. It is true that the Universal Declaration of Human Rights does commit the countries of the world to representative government, and the International Covenant on Civil and Political Rights commits the more than 130 countries that are party to it to periodic free and fair elections. Nevertheless, by and large the human rights movement would prefer not to be associated with a global crusade to promote democracy. In discussions with the Clinton administration, its members have urged that U.S. human rights efforts focus on the kinds of abuses that Kausikan accepts as legitimate foreign policy concerns. The movement's agenda is broader than what Kausikan favors (as will be made even more clear later), but not as broad as he suggests.

The policies of the Reagan and Bush administrations show why the movement is wary of many of those who preach democracy. Those administrations argued that promoting electoral democracy worldwide would empower critics of such practices as torture to mobilize opposition in their own countries. The right to take part in free and fair elections then became the ultimate human right from which all other rights would flow. In consequence, so the argument went, it was not necessary for the United States to publicly criticize violations of human rights in countries with democratically elected governments: the self-correcting mechanisms of the democratic system itself would deal with such abuses.

The movement objected that this approach politicized human rights: the same abuse was denounced publicly in an autocratic country and passed over in silence when it took place in a democratic country. That problem was further exacerbated by the tendency of the Reagan and Bush administrations to affix the democratic label on a wide range of governments that hardly deserved the honor yet were geopolitically aligned with the United States. Unfortunately, the human rights progress that the Reagan and Bush administrations said democratic government would bring did not always accord with the movement's observations. During the Reagan years, much debate focused on Central America, where the advent of elected governments

did not radically reduce torture, murder, and disappearances. The movement also called attention to the high level of violent abuses in other countries where democratic governments had recently come to power, as in Turkey and Brazil, and in such longer-established democracies as India. To the movement, the Reagan-Bush emphasis on democracy often seemed not only a means of manipulating human rights for political purposes, as Kausikan suggests, but also a pretext for not taking a strong stand on systematic violations of core human rights in countries identified as democratic. (In the Clinton years, a different double standard has emerged: the United States actively promotes economic ties with big, important countries that severely abuse human rights, such as China, or Russia while it was engaged in the indiscriminate bombardment of breakaway Chechnya; at the same time, our government imposes economic sanctions on small states, such as Cuba and Burma, that commit similar abuses.)

Another reason for hesitancy in promoting democracy by many within the movement is that some fear that associating themselves with the espousal of democracy would align them with the political opponents of nondemocratic governments, and thereby diminish their credibility in criticizing violations of core human rights. Others assert that support for the right of citizens to take part in self-government is legitimate because it is analogous to, and an extension of, their efforts on behalf of the freedom of expression recognized in international law. But even those within the movement who fall into the latter camp readily agree that promoting democracy is far less central than stopping torture, murder, and disappearances.

Self-Determination: A Strawman

Kausikan writes that the countries of East and Southeast Asia would “reject outright” efforts by the West to promote independence for territories such as East Timor or Tibet in the name of human rights. What is misleading in his essay is the implication that the movement takes a different position. When the Asia Watch division of Human Rights Watch issues reports on East Timor and Tibet, it not only refrains from supporting independence but is explicit in disclaiming any stand on such issues. An Asia Watch report on East Timor states: “It should be noted at the outset that Asia Watch has never taken a position on the political status of East Timor nor on the jurisdiction of

Indonesian courts there.” (Incidentally, Kausikan asserts that the Suharto government “behaved very correctly, punishing the senior military officers responsible for the Dili tragedy,” his reference to the military’s massacre of peaceful demonstrators on November 12, 1991. Asia Watch’s report notes that whereas demonstrators received prison sentences as severe as life in prison, eight soldiers received sentences ranging from eight to eighteen months. No senior officer received a prison sentence, although some were discharged or transferred.)

The movement’s refusal to take stands on self-determination reflects a recognition that the history, geography, demography, culture, economy, and politics of particular territories determine such questions, not simply the terms of international covenants. Some outside the mainstream of the international human rights movement invoke human rights to promote independence. They find support for their use of the term “human rights” in that regard in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights. In each document, Article I provides that “all peoples have the right of self-determination.” But the incorporation of that provision in the covenants, which were adopted by the United Nations General Assembly in 1966, is not a consequence of a Western conspiracy. It reflects the insistence by the former colonial states of Africa and Asia that self-determination is an intrinsic component of human rights. Probably few among the countries that then advocated such a status for self-determination envisaged a day when some of their number would be challenged as colonial oppressors by groups marching under human rights banners.

The Real Disagreements

The most important differences between Kausikan and the movement concern such matters as detention without trial and press freedoms. Should those be on the international human rights agenda? Kausikan says no; the movement says yes.

Kausikan makes two arguments in that regard. First, he contends that such matters are not part of the “hard core of rights that are truly universal.” Unlike the prohibitions of torture and murder, the international agreements on human rights allow derogation—that is, suspension in certain circumstances—of rights in those areas. And he argues

that “good government may well require, among other things, detention without trial to deal with military rebels or religious and other extremists; curbs on press freedoms to avoid fanning racial tensions or exacerbating social divisions; and draconian laws to break the power of entrenched interests.” In other words, the ends for which those means are used may be worthy.

International agreements on human rights do permit derogation of those rights. Yet derogation is hardly to be casual; the circumstances in which it is permissible are extreme. The International Covenant on Civil and Political Rights permits derogation only “in time of public emergency which threatens the life of the nation” and, even then, only “to the extent strictly required by the exigencies of the situation.” Does a right lack universality because it may be suspended at such a dire moment? That seems a peculiar position. A better test might be whether U.N. members have generally proclaimed their acceptance of certain rights. Not only have an overwhelming majority ratified the International Covenant on Civil and Political Rights, but, in addition, the Universal Declaration of Human Rights was adopted by the U.N. General Assembly in 1948 with no dissents and with abstentions from only the Soviet bloc, South Africa, and Saudi Arabia. Press freedoms and protections against detention without trial have also been incorporated into such regional human rights agreements as the European Convention on Human Rights, the American Convention on Human Rights, the African Charter of Human and Peoples’ Rights, the Conference on Security and Cooperation in Europe (the Helsinki Accord), and the Cairo Declaration on Human Rights in Islam. The great majority of the countries of the world are party to one or more agreements protecting those rights. (Currently there is no Asian declaration of rights, even though, with the enlargement of the Association of Southeast Asian Nations (ASEAN), part of Asia is identifying itself as a region. One hopes that this shortcoming will one day be corrected.)

The provisions of the international agreements may be widely disregarded in practice, but the same is true of the prohibitions on torture and murder. The test of whether a right is universal is whether states universally assert an obligation to respect it. Thus, press freedom and the prohibition on detention without trial, except in the most exigent circumstances, are universal rights.

Kausikan's second argument asks us to presume that governments are wise and benign in denying those rights. Regrettably, that is often not the case. His own government in Singapore imprisoned a peaceful political dissenter, Chia Thye Poh, a former opposition member of parliament, for 22 years without charge or trial. The Singapore government only released him from prison (though it continued to restrict his movements) when it seemed that the impending release of Nelson Mandela in South Africa might focus international attention on other governments holding political prisoners for an extremely long time. In Malaysia, as noted, detention without trial and the denial of press freedoms have been used to silence critics of the despoliation of the rain forests of Sarawak. In Indonesia, the targets have often been critics of the corruption of Suharto's family and cronies. In China, criticism of the Three Gorges dam project, which would displace 1.2 million people, may not be published. And so on.

Kausikan's main concern, in sum, is to deligitimate international efforts to address the abuses that particularly characterize his own government and its regional allies: detention without trial and denial of press freedoms. Although the issues he raises are worthy of serious consideration, it is not out of order for the international human rights movement to call attention to such matters—not if the welfare and dignity of the people of Asia are our foremost concerns.

How Therapists Threaten Marriages

William J. Doherty

Soon after her wedding Marsha felt something was terribly wrong with her marriage. She and her husband Paul had moved across the country following a big church wedding in their home town. Marsha was obsessed with fears that she had made a big mistake in marrying Paul. She focused on Paul's ambivalence about the Christian faith, his avoidance of personal topics of communication, and his tendency to criticize her when she expressed her worries and fears. Marsha sought help at the university student counseling center where she and Paul were graduate students. The counselor worked with her alone for a few sessions and then invited Paul in for marital therapy. Paul, who was frustrated and angry about how distant and fretful Marsha had become, was a reluctant participant in the counseling.

In addition to the marital problems, Marsha was suffering from clinical depression: she could not sleep or concentrate, she felt sad all the time, and she felt like a failure. Medication began to relieve some of these symptoms, but she was still upset about the state of her marriage. After a highly charged session with this distressed wife and angry, reluctant husband, the counselor met with Marsha separately the next week. She told Marsha that she would not recover fully from her depression until she started to "trust her feelings" about the marriage. What follows is how Marsha later recounted the conversation with the counselor:

Marsha: "What do you mean, trust my feelings?"

Counselor: "You know you are not happy in your marriage."

Marsha: "Yes, that's true."

Counselor: “Perhaps you need a separation in order to figure out whether you really want this marriage.”

Marsha: “But I love Paul and I am committed to him.”

Counselor: “The choice is yours, but I doubt that you will begin to feel better until you start to trust your feelings and pay attention to your unhappiness.”

Marsha: “Are you saying I should get a divorce?”

Counselor: “I’m just urging you to trust your feelings of unhappiness.”

A stunned Marsha decided not to return to that counselor, a decision the counselor no doubt perceived as reflecting Marsha’s unwillingness to take responsibility for her own happiness.

Two aspects of Marsha and Paul’s case stand out. First, the couple saw a counselor who was not well-trained in marital therapy. Any licensed mental health professional can dabble in marital therapy, but most therapists are far more comfortable working with individuals. When marriage problems are formidable or the course of treatment difficult, these therapists pull the plug on the conjoint sessions (involving both spouses) in favor of separate individual therapy sessions. Often they refer one of the spouses to a colleague for separate individual therapy, with this rationale: “You both have too many individual problems to be able to work on your relationship at this point.” Of course, the couple is living together in this relationship seven days a week and has no choice but to “work on it” continually.

The unspoken reason for this shift in treatment modality, especially if it occurs early in the marital therapy, is generally that the therapist feels incompetent with the case, especially in dealing with a reluctant husband who is not therapy-savvy and says he is there only to salvage his marriage. This husband lacks a personal, psychological agenda. When he gets turfed off to another therapist to do his “individual” work, he balks, thereby confirming to his wife and her therapist that he is unwilling to work on his own “issues” and thereby do his part to save the marriage. The marriage is often doomed at this point, an iatrogenic effect of poor marital therapy.

The second noteworthy feature of Marsha and Paul’s case is the strong individualistic and anti-commitment orientation of the thera-

pist. Like most psychotherapists, she viewed only the individual as her client. She perceived no responsibilities beyond promoting this individual's immediate needs and agenda. The therapist not only ignored obligations to other stakeholders in the client's life, but also did not give proper weight to the role that sustained commitments play in making our lives satisfying over the long run. No doubt the therapist viewed herself as "neutral" on the issue of marital commitment. But, as I pointed out in *Soul Searching: Why Psychotherapy Must Promote Moral Responsibility*, claiming neutrality on commitment and other moral issues in American society means that the therapist likely embraces the reigning ethic of individualism. There is nothing neutral about asking a newly married, depressed woman, "Are you happy in your marriage?" and urging her to trust her frightened and confused feelings. No self-respecting therapist would urge a suicidal patient to "trust your feelings about how worthless your life is," but many well-regarded therapists play cheerleader for a divorce even when the couple has not yet made a serious effort to understand their problems and restore the health of their marriage. Therapist-assisted marital suicide has become part of the standard paradigm of contemporary psychotherapy.

A postscript to this case: Marsha talked to her priest during this crisis. The priest urged her to wait to see if her depression was causing the marital problem or if the marital problem was causing the depression--a prudent bit of advice. But a few minutes later, the priest brought up the possibility of an annulment if the marriage was causing the depression. Marsha was even more stunned than she had been by the therapist.

Some marriages, of course, are dead on arrival in the therapist's office, in which case the therapist's job is to help with the healthiest possible untangling for all involved parties, especially the children. Some marriages are emotionally and physically abusive, with little chance for recovery. Some marriages appear salvageable, but one of the parties has already made up his or her mind to leave. I am not suggesting that the therapist harangue the reluctant spouse or urge an abused wife to keep her commitment in the face of debilitating abuse. Divorce is a necessary safety valve for terminally ill marriages, and in some cases, divorce is what morality demands. (I think of a woman

who discovered her husband and co-parent was a pedophile, and he would not seek treatment.) My critique focuses on the practice of therapists, many of whom lack good skills in helping couples, and who philosophically view marriage as a venue for personal fulfillment stripped of ethical obligation, and similarly view divorce as a strictly private, self-interested choice with no important stakeholders other than the individual adult client.

How Did We Get Here?

Marriage counseling (now termed “marital therapy” in the profession) was born in the 1930s and 1940s in an era of worry about the viability of modern “companionate” marriages. The early marriage counselors were mostly gynecologists, educators, and clergy. Of course psychiatrists treated many distressed married people, but did not see their primary responsibility as assisting the marriage. It was not until the 1950s that marriage counselors began to work with both spouses together in one session. Prior to then, it was considered inappropriate treatment, and even unethical, to have both partners in the sessions, because this would destroy the powerful one-to-one psychological transference dynamics deemed necessary for successful treatment of the individual problems that were feeding the marital problems.

During the 1950s and early 1960s, “conjoint” marriage counseling became more widespread as therapists began to appreciate the power of working on relationship patterns directly in the session. The American Association of Marriage Counselors grew in numbers as credentialed psychotherapists joined clergy who specialized in marriage counseling. Interestingly, marriage counseling as a professional activity developed independently of “family therapy,” which grew out of psychiatry’s experiments with family treatment for mental health disorders. (Only in the 1970s did the associations of marriage counselors and family therapists merge into the American Association for Marriage and Family Therapy.)

Prior to the U.S. cultural revolution of the late 1960s and 1970s, many marital therapists saw their task as saving marriages. Divorce was seen as an unequivocal treatment failure. There was little recognition of spouse abuse and the ways in which a stable but destructive marriage can undermine spouses’ emotional health and create domes-

tic hell for children. The individual tended to get lost in the marriage. Early feminist critics of marital therapy were quick to point out how this treatment approach could be dangerous to a woman's health. Women were often held responsible for the problems, since family relationships were supposed to be their forte, and women were implicitly encouraged to follow the then-popular cultural value that parents should stay together for the sake of the children. In addition, some clergy counselors added a religious rationale to the support of stable marriages, to the dismay of critics who saw this as making people feel guilty before God for salvaging their mental and physical health from a toxic marriage.

Research and professional literature on marital therapy burgeoned during the 1970s, during the era of skyrocketing divorce rates. Sobered by feminist critics and enamored with the 1970s cult of individual fulfillment, marital therapists largely rejected the "marriage saver" image. The 1980s brought a wealth of research studies on marital communication, marital distress, and effective treatment techniques. Marital therapists who were trained in these new techniques viewed themselves as performing a form of mental health treatment that not only helped marriages but also the individual well-being of the spouses. But on the value of preserving marital commitment if possible, the field was mostly "neutral"—which means embracing a contractual, individualist model of commitment. A decision about divorce became just like any other lifestyle decision such as changing jobs; the therapist's job entailed simply helping people sort out their needs and priorities.

As therapists during the 1970s and 1980s experienced their own divorces and those of colleagues, they increasingly saw divorce as a bonafide lifestyle option and a potential pathway to personal growth. The self-help books written by therapists reflected this positive orientation to divorce. In the term coined by Barbara Dafoe Whitehead in her book *The Divorce Culture*, therapists followed the popular culture in embracing the "expressive divorce" as an enlightened way to start a new life when the old marriage was in disrepair. Although they were concerned for a couple's children, most therapists believed that children would do fine if their parents did what was best for themselves. I term this "trickle down psychological economics," which works for

the children just as well as the other trickle down model has worked for the poor in American society.

Where We Are Today

The 1990s have witnessed marital therapy become mainstream as more professionals practice it, more couples seek it out, and some insurance companies pay for it. National political leaders make no apologies for having benefited from marriage (and family) therapy. The decade of the 1990s has also seen a movement back towards espousing the value of marital commitment and the therapist's role in promoting it. This was first seen in Michele Weiner-Davis's early 1990s work on solution-oriented therapy for highly distressed couples. "Divorce Busting" is what she titled her training workshops, and later her popular book. She and others began to take a deliberately pro-marriage stance, much to the dismay of established leaders in the field. Having come to a "middle" point of encouraging neither divorce nor staying together, many leaders in marital therapy saw this new pro-marriage stance as a conservative backlash against feminism and emancipated individualism. If marriage and divorce are primarily lifestyle choices, and if a bad but stable marriage is destructive for all involved, why should therapists be in the business of saving marriages?

In the 1990s—a decade of backlashes and counter-backlashes—there has also been an assault on the use of the term "marriage" among scholars and practitioners. The critique is that "marriage" marginalizes cohabiting couples and especially gay and lesbian couples. Most marital therapists, when giving professional presentations, use the term "couples therapy" or "couples counseling." The list of presentations at national conferences of marriage and family therapists contains multiple references to "couples" and scant references to "marriage." I have no doubt that the profession of marriage and family therapy (now credentialed in 37 states as an independent mental health profession) would take a different name if it were being created in the late 1990s. "Family" is still okay, as long as a variety of family structures are included in the definition, but "marriage" is out because it is not inclusive.

This trend away from using the word “marriage” is unfortunate, because the term “couple” carries no connotations of moral commitment and lifetime covenant. My daughter and her boyfriend were a “couple” during their summer after high school, but the relationship did not survive their going to different colleges. Is this relationship morally equivalent to Marsha and Paul’s, or to a long-married couple with children? Even if we use the term “committed couple” or “committed relationship,” we beg the question of how deep and permanent the commitment. Rather than lower the bar for marital commitment by abandoning the term “marriage,” why not expand the definition of marriage to include gay and lesbian couples who wish to make a permanent, moral commitment to each other? Why not make the marriage umbrella larger without sacrificing its essential values, instead of folding the umbrella and watering down the precious moral dimension of this unique, for-better-or-for-worse human relationship?

Giving Commitment Its Due

My own work has offered a communitarian critique of the individualist ethic of psychotherapy in the United States. Although the focus of this article is on marital therapy as a treatment modality, I believe that all psychotherapy for individuals who are married is, in part, marital therapy, even if only one spouse participates. This is because issues of personal need versus marital bonds and obligations are inevitably present in individual therapy. Furthermore, I am convinced that there is widespread and invisible harm done to marriages by many individual-oriented psychotherapists. Consider the following example:

Monica was stunned when Rob, her husband of 18 years, announced that he was having an affair with her best friend and wanted an “open marriage.” When Monica declined this invitation, Rob bolted from the house and was found the next day wandering around aimlessly in a nearby woods. He spent two weeks in a mental hospital for an acute, psychotic depression, and was released to outpatient treatment. Although he claimed during his hospitalization that he wanted a divorce, his therapist had the good sense to urge him to not make any major decisions until he was feeling better. Meanwhile, Monica was beside herself with grief, fear, and anger. She had two

young children at home, a demanding job, and was struggling with lupus, a chronic illness she had been diagnosed with 12 months earlier. Indeed, Rob had never been able to cope with her diagnosis, or with his own job loss six months afterwards. (He was now working again.)

Clearly, this couple had been through huge stresses in the past year, including a relocation to a different city where they had no support systems in place. Rob was acting in a completely uncharacteristic way for a former straight-arrow man with strong religious and moral values. Monica was depressed, agitated, and confused. She sought out recommendations to find the best psychotherapist available in her city. He turned out to be a highly regarded clinical psychologist. Rob was continuing in individual outpatient psychotherapy, while living alone in an apartment. He still wanted a divorce.

As Monica later recounted the story, her therapist, after two sessions of assessment and crisis intervention, suggested that she pursue the divorce that Rob said he wanted. She resisted, pointing out that this was a long-term marriage with young children, and that she was hoping that the real Rob would reemerge from his mid-life crisis. She suspected that the affair with her friend would be short-lived (which it was). She was angry and terribly hurt, she said, but determined to not give up on an 18-year marriage after only one month of hell. The therapist, according to Monica, interpreted her resistance to “moving on with her life” as stemming from her inability to “grieve” for the end of her marriage. He then connected this inability to grieve to the loss of her mother when Monica was a small child; Monica’s difficulty in letting go of a failed marriage stemmed from unfinished mourning from the death of her mother.

Fortunately, Monica had the strength to fire the therapist. Not many clients would be able to do that, especially in the face of such expert pathologizing of their moral commitment. And equally fortunately, she and Rob found a good marital therapist who saw them through their crisis and onward to a recovered and ultimately healthier marriage.

This kind of appalling therapist behavior occurs every day in clinical practice. A depressed wife of a verbally abusive husband who was not dealing well with his Parkinson’s Disease was told at the end of the first, and only, therapy session in her HMO that her husband

would never change and that she would either have to live with the abuse or get out. She was grievously offended that this young therapist was so cavalier about her commitment to a man she had loved for 40 years, and who was now infirm with Parkinson's Disease. She came to me to find a way to salvage a committed but nonabusive marriage. When I invited her husband to join us, he turned out to be more flexible than the other therapist had imagined. He too was committed to the marriage and needed his wife immensely.

These illustrations should not be dismissed as examples of random bad therapy or incompetent therapists. They stem from a pervasive bias among many individual-oriented therapists against sustaining marital commitment in the face of a now-toxic relationship. From this perspective, abandoning a bad marriage is akin to selling a mutual fund that, although once good for you, is now a money loser. The main techniques of this kind of therapy are twofold: a) walk clients through a cost-benefit analysis with regards to staying married--what is in it for me to stay or leave? and b) ask clients if they are happy and if not, then why are they staying married? If those questions yield what appears to be an irrational commitment in the face of marital pathology, as the therapist believed to be true for Monica, then the therapist falls back on pathologizing the reasons for this commitment. It takes extraordinary conviction to weather such "help" from a therapist.

These therapist questions and observations are value-laden wolves in neutral sheep's clothing. The cost-benefit questions in particular brook no consideration of the needs of anyone else in this decision. I was trained in the 1970s to dismiss clients' spontaneous moral language ("I don't know if a divorce would be fair to the children") by telling them that if parents take care of themselves, the children will do fine. And then I would move the conversation back to the safer ground of self-interest. That's how most of us learned to do therapy years ago, and it's still widespread practice.

A Communitarian Approach to Marital Therapy

The first plank in a communitarian platform for marital therapy would be for therapists, both those who work only with individuals and those who work with couples, to recognize and affirm the moral nature of marital commitment. This stance moves therapists beyond

the guise of neutrality, which in fact covers an implicit contractual, self-interested approach to marital commitment. Divorce, from a communitarian perspective, is sometimes necessary when great harm would be caused by staying in the marriage. Particularly in the presence of minor children, the decision to divorce would be akin to amputating a limb: to be avoided if at all possible by sustained, alternative treatments, but pursued if necessary to save the person's life.

The second plank affirms that personal health and psychological well-being are indeed central dimensions of marriage and important goals of therapy. There is no inherent contradiction between emphasizing the moral nature of marital commitment and promoting the value of personal satisfaction and autonomy within the marital relationship. These moral and personal elements together define the unique power of marriage in contemporary life.

The third plank is that it is a fundamental moral obligation to seek marital therapy when marital distress is serious enough to threaten the marriage. We need a cultural ethic that would make it just as irresponsible to terminate a marriage without seeking professional help as it would be to let someone die without seeing a physician.

The fourth plank holds that promoting marital health should be seen as an important part of health care, because we now know the medical and psychological ravages of failed marriages for most adults and children. And the health care system should support this kind of treatment as an essential part of health care, instead of regarding marital therapy as an "uncovered benefit."

The fifth plank concerns the importance of education for marriage and early intervention to prevent serious marital problems. We need a public health campaign to monitor the health of the nation's marriages and to promote community efforts to help couples enhance the knowledge, attitudes, values, and skills needed to make caring, collaborative, and committed marriage possible. There are many well-tested courses and programs in marriage education across the country that can fill this need. Information about these courses and programs needs to be disseminated.

The sixth plank asserts that therapists should help spouses hold each other accountable for treating their spouse in a fair and caring way in the marriage. Although commitment is the linchpin of marriage, justice and caring are essential moral elements as well. A communitarian approach to marital therapy would incorporate feminist insights into gender-based inequality in contemporary marriages. It would be sensitive to how women are often expected to assume major responsibility for the marriage and the children, and then are criticized for being over-responsible. When a husband declines to do his fair share of family work on the grounds that “it’s not my thing,” the therapist should see this as a cop-out from his moral responsibilities, not just as a self-interested bargaining position with his wife. Communitarians promote more than marital stability; they promote caring, collaborative, and equitable marital unions that are good for the well-being of the spouses as individuals.

The seventh plank is based on the prevalence of therapist-assisted marital suicide. We need a consumer awareness movement about the potential hazards of individual or marital therapy to the well-being of a marriage. Consumers should be given guidelines about how to interview a potential therapist on the phone, with questions such as “What are your values about the importance of keeping a marriage together when there are problems?” If the therapist responds only with the rhetoric of individual self-determination (“I try to help both parties decide what they need to do for themselves”), the consumer can ask if the therapist has any personal values about the importance of marital commitment. If the therapist hedges, then call another therapist. (Look elsewhere too if the therapist says that marriages should be held together no matter what the consequences.) Consumers should also be aware that many therapists who primarily work with individuals are not competent in marital therapy and thus are likely to give up prematurely on the marital therapy and the marriage itself. It is best to see a therapist who has had special training in working with couples.

Many therapists are now reconsidering their approach to marital commitment. They have been entranced by a cultural mirage about what constitutes the good life in the late 20th century, and they are beginning to rethink their ill-begotten moral neutrality in the face of disturbing levels of family and community breakdown. A communi-

tarian critique and reformulation of marital therapy can point the way to a new kind of marriage covenant that views moral responsibility, sustained commitments, and personal fulfillment as a garment seamlessly sewn, not a piece of Velcro designed for ease of separation.

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The Duty to Rescue: A Liberal-Communitarian Approach

Steven J. Heyman

When, if ever, should the law require individuals to act for the benefit of others? This issue arises most dramatically in connection with rescue. To take a classic illustration, suppose that while you are crossing a bridge you see a man struggling desperately in the waters below. Should you have a legal duty to throw him a rope, or to plunge in to save him, if you could do so without seriously endangering yourself?

In contrast to many European countries, American law does not recognize such a duty. This position was expressed most forcefully by Chief Justice Alonzo Carpenter of New Hampshire in a late 19th-century case, *Buch v. Amory Manufacturing Co.* To refuse assistance in an emergency, he wrote, might transgress the most basic instincts of humanity and principles of morality, but would violate no legally enforceable duty. The law forbids me to injure others, but generally does not require me to protect them from harm. The situation would be different, of course, if I had some special relationship with the victim, such as that of parent and child. In the case under discussion, however, “the [man] and I are strangers, and I am under no legal duty to protect him.” In short, the law does not require one to be a Good Samaritan.

Although this doctrine has often been condemned (in the words of William Prosser) as “revolting to any moral sense,” it has been strongly defended by Richard Epstein and others on libertarian grounds. Individuals, they argue, should be free to act as they like as long as they do not injure others. The state cannot rightfully compel one person to

act solely for the benefit of another. To be sure, there may be a moral duty to help others in distress, and mandating rescue might promote the overall good of the community. But the law has no business enforcing morality, nor should individual liberty be sacrificed for the sake of social welfare.

In this essay I will argue, contrary to the libertarian view, that the problem of rescue does not pose an inherent conflict between individual freedom and the demands of morality or community. Instead, we can develop a theory of rescue that reflects the fundamental values of liberals and communitarians alike.

Rescue and the Common-Law Tradition

Consider two notorious incidents: the 1964 slaying of Kitty Genovese and the 1983 New Bedford tavern rape. In both cases, neighbors or bystanders watched as a young woman was brutally and repeatedly assaulted, yet they made no effort to intervene or call for help. Under current doctrine, their inaction breached no legal duty, however reprehensible it may have been morally.

Suppose, however, that a police officer had been present at the time. Surely we would not say that the officer was free to stand by and do nothing while the attack took place. The state has a responsibility to protect its citizens against criminal violence. It performs this function largely through its police force. An officer who unjustifiably failed to prevent a violent crime would be guilty of a serious dereliction of duty, which might result in dismissal from the force or even criminal prosecution. Thus the officer would have a legal duty to act. But what if there is no officer on the scene? In that situation, the state can fulfill its responsibility to prevent violence only by relying on the assistance of those persons who *are* present.

Contrary to the conventional view, there is strong evidence that, for centuries, the common law of England and America did recognize an individual duty to act in precisely such cases. According to traditional legal doctrine, every person was entitled to protection by the government against violence and injury. In return for this protection, individuals had an obligation not merely to obey the law, but also, when necessary, to actively help enforce it. Ordinarily, of course, the government kept the peace through its own officers. When no officer

was present, however, it was said, in the words of the great 17th-century English judge Sir Matthew Hale, that “the law makes every person an officer” for the preservation of the peace. Thus, individuals at the scene of a violent crime had a duty to intervene if they could do so without danger to themselves. If they could not, they were required to notify the authorities.

With the development of modern police forces in the 19th century, this tradition of active citizen participation in law enforcement gradually declined. In recent decades, however, it has become increasingly clear that effective crime prevention requires the efforts of the whole community—a recognition that is reflected, for example, in neighborhood crime watch and community policing programs. As the Genovese and New Bedford cases show, there are situations in which a simple duty to call the police may be crucial. In response to these incidents, half a dozen states have recently passed laws requiring those present at the scene of a violent crime to notify the authorities or provide other reasonable assistance to the victim.

This history offers valuable insight into the justification for a duty to rescue. The issue is often discussed, by libertarians and others, in terms of the rights and obligations of individuals viewed as *private* persons. In that capacity, individuals are generally entitled to pursue their own good as long as they refrain from injuring others. From this perspective a duty to rescue is difficult or impossible to find. By contrast, the traditional common-law doctrine suggests that the strongest ground for a duty to rescue is to be found in a conception of the *public* duties that citizens owe to the community and their fellow citizens. Just as citizens have a duty to support the legal order by paying taxes and serving on juries, so they should have an obligation, when necessary, to help prevent crimes of violence.

One can make a similar point about the imagery of the rescue debate. Discussion often focuses on the classic example of the drowning man. There the danger arises purely from natural forces, not from any human action. In that setting the potential rescuer and victim may appear to be mere “strangers” without any relationship or obligation to one another (a view that has been persuasively criticized by Mary Ann Glendon). In the Genovese and New Bedford cases, by contrast, the threat comes from wrongful human conduct. In this context, it is

easier to recognize that the parties do have a relationship—one of common citizenship—that can give rise to a duty to aid.

Rescue and the Liberal Tradition

A duty to prevent violence finds support not only in the Anglo-American common-law tradition but also in liberal political theory. According to Locke and other natural rights theorists, individuals enter into society to preserve their lives, liberties, and properties. Under the social contract, citizens obtain a right to protection by the community against criminal violence. In return, they promise not only to comply with the laws, but also to assist the authorities in enforcing those laws. In this way, Locke writes, the rights of individuals come to be defended by “the united strength of the whole Society.” In *On Liberty*, John Stuart Mill recognizes a similar duty on the part of individuals. Although he rejects the notion of a social contract, Mill agrees that “every one who receives the protection of society owes a return for the benefit,” including an obligation to bear one’s fair share of “the labours and sacrifices incurred for defending the society or its members from injury.”

In addition to endorsing a duty to prevent violence, liberal thought suggests a way to expand that duty into a general duty to rescue. According to liberal writers, the community has a responsibility to preserve the lives of its members, not only against violence but also against other forms of harm. For example, Locke, Blackstone, and Kant all maintain that the state has an obligation to relieve poverty and support those who are unable to provide for their own needs. In Locke’s words, both natural right and “common charity” teach “that those should be most taken care of by the law, who are least capable of taking care of themselves.” Of course, this is also a major theme in contemporary liberal political thought.

From this point, the argument follows much the same lines as before. The state is bound to preserve the lives of its members. Ordinarily it does so through its own employees. Thus, if a rescue worker is present when someone is drowning, she clearly has a duty to provide assistance. When there is no rescue worker on the scene, however, the state may properly call on ordinary citizens to act on its behalf.

Rescue and Communitarian Theory

This look at Anglo-American common law and the liberal tradition has pointed to the justification for a broad duty to rescue. We can now state this rationale in general terms. The state is a community whose ends include the protection of its members from criminal violence and other serious harm. Individuals have a fundamental right to protection by the community. In return, they have a responsibility to help the community provide this protection by assisting a fellow citizen in danger. This is not merely a dictate of humanity or morality, but rather (as the late Judith Shklar argued) an obligation of citizenship.

Communitarian theory supports and deepens the argument for a duty to rescue. On this view, community is valuable not merely as a means to the protection of individual rights, but also as a positive human good. Human nature has an irreducible social dimension that can be fulfilled only through relationships with others. The community has a responsibility to promote the good of its members. But this can be fully achieved only within a society whose members recognize a reciprocal obligation to act for the welfare of the community and their fellow citizens. A core instance is the duty to rescue.

Of course, some might doubt whether contemporary society is characterized by the kind of community required for a duty to rescue. Community is not simply given, however; it must be created. Common action, and action on behalf of others, plays a crucial role in creating relationships between people. Thus the adoption of a duty to rescue might not merely reflect, but also promote, a greater sense of community in modern society.

The Contours of a Duty to Rescue

Now that we have developed a liberal-communitarian case for a duty to rescue, many questions arise about how the duty would apply in practice. In what situations would it arise? How much risk or effort would be demanded of a rescuer? When would rescue be the responsibility of individuals, as opposed to that of the community and its officers? What legal sanctions should be imposed for violations of the duty? And finally, what role do special relationships play within this account?

Advocates of a duty to rescue usually propose that it be restricted to cases in which one can act with little or no inconvenience to oneself. But this does not go far enough. Because its purpose is to safeguard the most vital human interests, the duty should not be limited to easy rescues, but should require an individual to do anything reasonably necessary to prevent criminal violence or to preserve others from death or serious bodily harm. Rescue should not require self-sacrifice, however. Thus the duty should not apply if it would involve a substantial risk of death or serious bodily injury to the rescuer or to other innocent people.

On this liberal-communitarian view, the preservation of person and property is a duty that belongs primarily to the community as a whole, to be carried out through its own officers and resources. This responsibility falls on individuals only in emergency situations when no officer is present. Moreover, the duty would often be satisfied by calling the police, fire department, or rescue services. A citizen would be bound to intervene directly only when there was no time to obtain such assistance.

In performing the duty to rescue, one acts on behalf of the community as a whole. For this reason, one should receive compensation from the community for any expense reasonably incurred or any injury suffered in the course of the rescue. Any other rule would mean that some people would be required to bear a cost that should properly be borne by the community at large, simply because they happened to be at a place where rescue was required. This principle of compensation should meet the libertarian objection that (in Epstein's words) a duty to rescue would compel a person "to act at his own cost for the exclusive benefit of another."

Should one who violates the duty to rescue be subject to criminal punishment, be required to pay compensation to the victim (or the victim's survivors), or both? It is sometimes suggested that only criminal sanctions are appropriate, on the ground that rescue is a matter not of the private rights of the victim, but of one's public duty to the community. As I have tried to show, however, the ideas of individual right and civic responsibility are not mutually exclusive. An obligation such as rescue is owed to both the community and its members, especially the endangered person. While the duty aims to

promote the common good, it does so by protecting private rights. It follows that one who wrongfully fails to rescue a fellow citizen can properly be held responsible not only to the community through its criminal law, but also to the victim in a civil action.

Positive duties derive from community. But community is not limited to the political realm. In our own society, at least, it exists to a much greater extent within the family and other social groups and institutions. The obligations that inhere in such special relationships may extend beyond the general duty to rescue shared by all citizens. For example, parents have a responsibility not merely to save their children in an emergency, but to protect and care for them at all times. In recent years, American courts have recognized a wide range of special relationships, such as that between a business and its employees, a landlord and its tenants, and a university and its students. The obligations that arise from such relationships—such as the duty to provide adequate security against criminal assaults—form an integral part of a liberal-communitarian account.

Conclusion

Libertarians contend that a duty to rescue would infringe the freedom of individuals by compelling them to act solely for the benefit of others. As both the common-law and liberal traditions teach, however, freedom has little value without the protection of the community and its laws. Far from diminishing liberty, the recognition of a duty to rescue would enhance it by strengthening protection for the most basic right of all—freedom from criminal violence and other serious forms of harm. And by requiring action for the sake of others, a duty to rescue also has the potential to promote a greater sense of community, civic responsibility, and commitment to the common good. In this way, we can justify a duty to rescue that is consonant with both the liberal tradition and the values of community.

Multiculturalism, “Canon,” and Community

Christopher Clausen

In September 1996 the *Chronicle of Higher Education* reported that a survey of university faculty found, among other things, that only 28 percent of university faculty members consider it “essential” or “very important” for students to read what the question described as “the classic works of Western civilization,” down from 35 percent in 1990. Far from deploring this finding, the *Chronicle* hailed it as a victory for diversity and tolerance in the face of “conservative attacks on ‘political correctness’ in the academy.” What the enlightened 72 percent of faculty members thought students should read instead was not stated, but one suspects they did not have in mind great non-Western books—the *Koran*, for instance, or the *Bhagavad-Gita*, or the *Tale of Genji*. The point was purely negative: *not* reading Homer, Plato, Shakespeare, or Jane Austen is itself a liberating experience in the *Chronicle*’s eyes, a victory for social justice.

The canon war is by now a fairly old story. “Canon,” as used in this controversy, referred at first to those works of literature most widely taught, though it was soon extended to include history and philosophy. By calling it a canon, its detractors in the *Chronicle* and elsewhere implied that it was narrow, unchanging, and the focus of superstitious reverence. They claimed further that the canon was conservative and consisted overwhelmingly of books by and about white males, usually of the dead variety. Women, members of racial minority groups, and the poor were “underrepresented.” Charges of racism, sexism, and Eurocentrism were hurled not only against the canon itself but against anyone who forcefully defended it—for example, the late Allan Bloom, the success of whose 1987 book *The Closing of the American Mind* inspired unending rage among revisionists.

Since Bloom's book came out, the canon-bashers have won most of the victories inside universities but often suffered from bad press outside. In English departments, curriculum revision has added many courses bearing titles like "Reading Black, Reading Feminist" or "Alternative Voices in American Literature," courses based on principles that derive from political rather than literary concerns. Other new courses have appeared in "cultural studies," a still-evolving amalgam of neo-Marxism and popular culture. While most English departments continue to teach Shakespeare, George Eliot, William Faulkner, and so on, they tend to do so more suspiciously than in the past, with frequent denunciations of the ideology these authors supposedly represent. According to a widely cited recent study, only about a third of the English departments surveyed still require even a course in Shakespeare. History departments have undergone similar changes. Meanwhile, in the world outside, the phrase "political correctness" has become a universally recognized summary, and sometimes caricature, of what happens on campus.

This stalemate continues because the balance of forces is so different inside the university from what it is outside. "Multiculturalism" and related phenomena in curriculum, admissions, and hiring were adopted long ago as official policies by most university administrations. Off campus, however, multiculturalism is more controversial, and disagreement cannot be dismissed simply by describing it as conservative. In spite of their declining place in education, more literary classics are being made into films than ever before, especially the plays of Shakespeare and the novels of Jane Austen. Jasper Griffin pointed out recently in the *New York Review of Books* that "there has never been a time when so many people were at work translating Homer into English." Admittedly, seeing a movie or reading a book in translation is different from reading it in the original. Still, these developments remind us that what is happening on campuses is not the whole story.

Lively Europeans

The disjuncture between the views inside and outside of campus walls is partly due to the fact that many of the journalists who help shape the public view of this debate have fond memories of reading important literary works in college and are skeptical of the claim that

dropping them from the curriculum constitutes progress for any group of students. In 1996 one such journalist, David Denby of *New York* magazine, published a widely reviewed book with the cumbersome title *Great Books: My Adventures with Homer, Rousseau, Woolf, and Other Indestructible Writers of the Western World*. At the age of 48, Mr. Denby went back to Columbia, his alma mater, to retake two undergraduate courses that are famous wherever academese is spoken: Literature Humanities and Contemporary Civilization. The first course Denby describes as “a standard selection of European literary masterpieces,” the second as “a selection of philosophical and social-theory masterpieces.”

Like many liberals who end up defending the canon, he tries hard to locate himself between two unreasonable extremes by balancing every criticism of the left with one of the right. The bigoted term “Dead White European Males,” Denby points out,

has already taken on a quaint period feel, as moldy as the love beads that I wore once, in the spring of 1968, and then flung into the back of a dresser drawer. Such complaints, which issued generally from the academic left, especially from a variety of feminist, Marxist, and African-American scholars, were answered in turn by conservatives with resoundingly grandiose notions of the importance of the Western tradition for American national morale.... Could such classic works actually be as boring as the right—or as wicked as the left—was making them out to be?

In other words, a plague o’ both your houses, as the most famous dead white European male of them all wrote.

Far from representing a venerable consensus, both the courses Denby took were born in the early 20th century as defenses of Western civilization against real or imagined enemies. The reading lists for both change regularly. Still, they represent major exceptions to the prevailing tendency in that every undergraduate is “exposed,” as the contagion metaphor puts it, to such figures as Homer, Sappho, Plato, Aeschylus, Augustine, Dante, Shakespeare, Nietzsche, Simone de Beauvoir, and Virginia Woolf. Apart from some obvious concessions to feminists, this list would generally be described today as old-fashioned because it consists of established major writers, all of them European and most long dead.

Denby found reading and discussing them profoundly exhilarating. Unlike the *Chronicle of Higher Education*, he believes that students of either sex and any background who undergo no comparable experience during their college years are being cheated. He rejects the notion that students should be assigned reading by authors who have more sociological features in common with them—race, sex, nationality, or, at a minimum, social class.

Whether white, black, Asian, or Latino, American students rarely arrive at college as habitual readers, which means that few of them have more than a nominal connection to the past. It is absurd to speak, as does the academic left, of classic Western texts dominating and silencing everyone but a ruling elite or white males. The vast majority of white students do not know the intellectual tradition that is allegedly theirs any better than black or brown ones do.... For there is only one “hegemonic discourse” in the lives of American undergraduates, and that is the mass media.

Because most students know so little about the historical contexts of the assigned works, the discussions that Denby describes sometimes sound like a radio talk show where people use the ostensible topic as a pretext for speaking about whatever happens to be on their minds. Nonetheless, he thinks working their way through the books on the reading list helps his classmates as nothing else could with the most important task of education, the development of independent selves through a transforming common experience.

Opening Minds?

By coincidence, at almost the same instant that Denby’s defense of the “canon” appeared, another book came out with precisely the opposite purpose. Lawrence W. Levine’s *The Opening of the American Mind: Canons, Culture, and History* paid unintended tribute to Allan Bloom’s book of a decade ago by adapting its title. Levine, a cultural historian and past president of the Organization of American Historians, clearly hoped an opportune time had finally come to reverse the direction of the debate outside the university. The success of *Great Books*, which got more attention than any other work on the subject since Bloom’s, was a signal misfortune for Levine and his allies.

Levine’s thesis is that the changes in university curricula are modest, overdue responses to changes in the composition of the

student body, which in turn reflect changes in the population as a whole. (Like the *Chronicle of Higher Education*, he describes all defenders of the “canon” as conservatives, though many are in fact liberals—for example, the historians Arthur Schlesinger, Jr., and C. Vann Woodward; the philosopher John Searle; the literary critics David Bromwich and Helen Vendler.) Discussing the University of California at Berkeley where he used to teach, he declares, “With the percentage of White [*sic*] undergraduate students falling from 68.6 percent in 1974 to 32.4 percent twenty years later, Berkeley became the first major state university with a majority of minority students. Berkeley’s experience is an indication of the transformation the entire nation will experience in the near future.”

Levine fails to point out that Berkeley’s demographic changes occurred as a result of drastic affirmative-action policies that eventually brought a massive reaction; for what it is worth, two-thirds of the population of California is still non-Hispanic white. The crucial point, however, is his belief that a curriculum should reflect the ethnic backgrounds of students, not a common identity or set of needs. The existence of any common American identity is one of the things the academic left denies most strongly. “[T]he American academic world is doing a more thorough and cosmopolitan job of educating a greater diversity of students in a broader and sounder array of courses covering the past and present of the worlds they inhabit than ever before in its history,” Levine announces. Like Denby, he emphasizes that the “canon” of great books is of fairly recent origin, and that the late-19th-century move away from a Greek and Latin curriculum was also controversial.

Repeating a commonplace of academic polemics, Levine maintains that colleges until the 1960s were designed to prepare a white male elite. Even in those terms, he believes, liberal education was a failure. (Whenever he speaks of liberal education or the liberal arts, he puts the word “liberal” in quotation marks.) In an unintentionally comic moment, he quotes Henry Adams’s denunciation of his own Harvard education in the 1850s: “It taught little, and that little ill.... He [Adams referred to himself in the third person] could not afterwards remember to have heard the name of Karl Marx mentioned, or the title of *Capital*.” Levine finds this omission monstrous and revealing. Whether it was monstrous or not is perhaps a matter of taste. It is,

however, easily explained. As both Adams and Levine might have remembered, *Capital* was not published until 1867, nine years after Adams's graduation.

Few American undergraduates today will avoid hearing about Karl Marx, particularly if they study literature or history. Equally important from Levine's point of view is that they study literature and history reflecting the lives of the poor, minority groups, and women in a society unjustly dominated since its beginnings by white males. Opposition to the changes in the university that Levine finds so liberating comes from white males' chagrin at seeing the true nature of their power unmasked:

People educated to believe that history means narrative accounts of the powerful and influential leaders of society are disconcerted to see the emergence of a scholarship based upon a more inclusive historical approach. People educated to believe that one part of the world, Western Europe, contributed everything culturally worthwhile in American society are confused and even angered by the rise of a scholarship based upon the idea that other peoples may well have influenced seriously the formation of American culture, character, and society and are therefore worthy of study and understanding.

Levine goes so far as to liken this opposition to the orthodox Catholics' resistance to Galileo.

Is Everything Political?

Several issues are involved here. One is the distinction between scholarship and undergraduate teaching. Few people object to scholarship about poor, black, or female Americans, or to the study of non-Western cultures. Some of those cultures have been prominently studied in American universities for over a century. But given that most American undergraduates come to college knowing virtually no history and are likely to take at most one or two courses in it, what kind of history is most important for them to take? A course that acquaints them with the basic episodes of American history—the Revolution, the making of the Constitution, the Civil War, the New Deal, the Cold War, and the civil rights movement? Or a more specialized course designed to raise their consciousness towards (or reinforce their sense

of identity in) a historically disadvantaged group? A number of recent studies have indicated that most college graduates have little idea when the Civil War occurred or what it was about; their knowledge of the Constitution, let alone how it evolved, is minimal.

Plenty of courses still exist in most universities to teach them those things. The problem is not so much the abandonment of traditional courses as the abandonment of requirements. Most observers would agree that the increase in social history over the past 30 years, particularly history emphasizing black Americans, immigrant groups, and the poor, is in itself a good thing. One can criticize its excessive reliance on a discredited Marxism (an issue about which Levine is defensive), its sometimes implausible claims about non-European influences on American society, and its balkanizing nostalgia towards ancestral identities, while at the same time recognizing that the powerless have stories worth telling.

The historical “canon,” Levine points out, “unlike the literary canon is composed not of authors and texts but of events and contexts.” The question of what books students should read in literature courses is more contentious because it involves complicated questions of esthetic and philosophical value. When those questions get mixed up with issues of ethnicity or gender, the resulting confusion has the properties of napalm. Is it more important for students to read the *Iliad* or *Hamlet*? Experts may disagree, but both works are of such high intrinsic value and historical influence that disagreement will usually stay within decorous bounds. What about *Hamlet* versus *Moby Dick*? Here the original criteria are complicated by nationalistic considerations. *Hamlet* versus *The Color Purple*? To considerations of intrinsic value, difficult enough in themselves, are added not only nationalism but race and sexuality. The controversy ignites everything within reach.

Many moderate canon-revisers say that the answer is not either-or but both-and. This evasion does not help, both because students take a limited number of courses and because of the dynamics of canon revision. Anyone who has spent much time in an English department during the past 20 years has seen the number of required courses in “traditional” literature decline, while “diversity” courses created explicitly to increase the presence of women and minorities in the

curriculum have burgeoned. Supporters of these developments usually justify them in one of two ways. Some maintain that prejudice kept works by female and minority authors out of the curriculum even though an impressive number of such works are intrinsically equal to many works by white males that *are* taught. What might be called the equal-opportunity argument for canon revision was effective in the early stages of the process because there was some truth to it. Probably a majority of canon-revisers today, however, assert that esthetic or philosophical criteria are mere rationalizations, and that representation on the basis of race and sex is the only progressive basis for a literary curriculum.

This claim, which might be called the affirmative-action argument, is the one on which Levine relies. It is extremely sad that disagreements about the curriculum have come to reflect so exactly debates about social policy in the larger society. Only a totalitarian community is wholly defined by politics. Embraced too tightly by ideology, culture (literature, art, philosophy) suffocates. Levine and other academic leftists ridicule the notion that curricular planning was ever nonpolitical and regard as naive the criticism that building undergraduate courses around their political views corrupts education. When the governor or Republicans in the legislature ask questions about the curriculum, on the other hand, they indignantly demand academic independence from the political process.

Redefining Diversity

What literary works will most benefit a given group of students may be a complicated question, but it has little to do with politics and almost nothing to do with their ethnic origins. Why should *Antigone* or *Don Quixote* in translation have greater or lesser meaning for WASPs or Chinese Americans? Possibly some Greek Americans will initially feel more drawn to Sophocles than their fellow students of Ukrainian or African descent, but the difference in understanding is negligible. Do Hispanics have a cultural advantage in reading Cervantes? The society Cervantes describes is as remote from ours as that of Sophocles. Both writers survive not as sociologists, still less as group possessions, but as artists who dealt profoundly with universal situations. The fact that they and their characters inhabited a different social world from ours and drew different conclusions about how to

live in it makes them *more* liberating to read than if they were writing about America in the 1990s, not less. They take the reader's imagination out of its immediate setting and make it struggle to grasp another way of looking at the world, a set of unfamiliar but powerful moral assumptions, a different fate.

Generally speaking, the most valuable writers of the past are the ones who do these things best. Any functioning community needs cultural landmarks with which everyone has some acquaintance, especially a community that has inherited elements of many cultures. When it comes to books, there has never been a generally accepted list of the all-time best, and in any case what is best for one educational purpose might not be best for another. The 2,800 years of European literature are varied beyond any meaningful generalization. Yet the choices to be made are not entirely arbitrary. When it is not merely an expression of identity politics, much canon revision is simply an unacknowledged “dumbing-down” of the curriculum, rationalized by references to so-called nontraditional students for whom Homer, Shakespeare, and the rest are simply thought to be too hard. Instead of making them decipher *Hamlet*, why not follow the line of least resistance and assign them contemporary novels or autobiographies that can be discussed in terms of a few simply defined social issues—racism, homophobia, environmental destruction?

In dealing with typical American students who know little history and no language but English, who have minimal understanding of their own culture and none of any other, it is all too tempting an option. Even Denby's Columbia instructors were sometimes reduced to desperation, and they were dealing with the cream of the undergraduate crop. Matters are worse in the state universities most students attend.

Even so, we owe them—and the future—something more demanding and more rewarding. If all but elite schools stop teaching Shakespeare, the rich will gain yet another undeserved advantage in life while the poor and nonwhite suffer a further deprivation disguised as liberation. They too have a right to an education that is more than vocational and takes account of more than our little moment in time. Hence the powerful argument for a core curriculum that every student takes. All of our students will live in a society that is increasingly multiethnic but decreasingly multicultural. As I recently argued

in *The American Scholar* (Summer, 1996), the dynamic of contemporary life is rapidly breaking down inherited forms of cultural distinctiveness. There is no valid basis for offering different curricula to students from different ethnic groups, most of whom have only the most tenuous relationship to their ancestral identities.

The breakdown of cultures and of culture offers an educational opportunity: not a “canon,” which was always a caricature, but a flexible selection of lastingly important books, non-Western as well as Western. When all works of the past are equally remote, why not cast your net broadly? Hinduism and the *Bhagavad-Gita* are no more unfamiliar to the students Denby describes than medieval Catholicism and the *Divine Comedy*. The real question for higher education is not what rationalization we can come up with for denying students of all backgrounds a sampling of the best books the world offers, but what ways we can devise to make those books intelligible to them.

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Devolution and Equity: Lessons from Germany and Boston

Rita Schneider-Sliwa

For several years now there has been a trend towards shifting burdens and money away from the federal government and placing a greater share of responsibility on state and local governments. Known as “devolution” this trend has been praised by some who believe that government has come in the way of individual rights and responsibilities, and that a strong central government is not the appropriate locus of collective action. But to the critics, devolution has caused concerns and expectations that social problems may worsen with a declining federal role in counterbalancing unfavorable social and economic developments. Thus the dilemma: how to decentralize without abandoning those communities most lacking in resources.

Equity planning is a potential answer to this dilemma. It is the conscious attempt by the local planning community and policymakers to reverse unbalanced social developments. In this essay I shall briefly explain two examples of equity planning which are well known to specialists but not to the general public. The examples are the German system of interjurisdictional revenue sharing and Boston’s linkage policy. I will also discuss their transferability to different political and cultural milieus. A cross-cultural perspective can be quite useful in view of cross-cultural problems. European cities, for example, are experiencing increasingly “American style” urban problems of “ghettoization,” inner city decline, changing ethnic balance, and the “new poverty” afflicting ordinary middle class people. It is important to understand American solutions to these problems. Similarly, European equity planning may be relevant to U.S. urban problems. Understanding each other’s concepts of equity planning may increase op-

portunities for sustaining communities that have the greatest need but the least capacity to help themselves.

Revenue Sharing in Germany

Most Western European countries have been “practicing” devolution for years. There are institutionalized redistributive policies that channel resources and wealth to lagging communities. In Germany the most important mechanism is revenue sharing. This occurs at many levels, the most important being between the federal government and the states. Revenues taken in at the federal level, which come from the federal income tax and a variety of other taxes, are distributed to each state according to need. This is determined using indicators such as local levels of unemployment and other variables reflecting the structural problems of regional economies and infrastructures. Some revenue sharing also occurs among the states, between the states and their local communities, and among the communities, such as between the jurisdictions within a metropolitan area.

Revenue sharing is constitutionally mandated and is designed to equalize basic services, such as transportation and telecommunications infrastructure, education, and housing. It does so by ensuring that municipalities of the same size have a roughly equal per capita amount to cover per capita expenses. Before explaining how this is achieved, let us first consider the case of the United States. In the United States, property taxes make up the largest part of local revenue. Thus, in urban areas (or any area) with few property owners and a large number of persons on welfare, hardly any tax funds are generated. In the absence of revenue sharing, this generally results in fewer services for the local citizenry.

In German communities the lion’s share of local revenue comes not from property taxes, but from business and income tax. This could potentially lead to problems similar to those in America, as a community having few taxable businesses and a high share of the population on welfare would imply fewer funds to provide decent living conditions. The same is true when the municipal tax base gradually erodes, which may happen when firms relocate, or when competition for private investments results in local tax breaks that many communities

really cannot afford, leaving those communities worse off while others compete successfully and prosper.

But this is when revenue sharing kicks in. Communities with lower revenue are provided with subsidies to ensure the provision of basic services. Thus revenue sharing eases the pains of competition, balancing the individual's (the individual community's and the individual firm's) right to prosper against the individual person's right to have access to basic services, as German municipalities in poorer areas have adequate funds to provide infrastructure, social services, and promote economic development.

Boston's Linkage Policy

In 1983 the City of Boston adopted "linkage policy." Linkage policy is based on a Massachusetts State Law of 1976 which introduced a mandate requiring policymakers to aim for balanced economic developments. This was the first such mandate in a state constitution in the United States. While this policy began well before the current move towards devolution, a look at its principles and practices can be instructive.

Linkage policy tries to achieve a balance between economically prospering and declining parts of the city by generating funds from private enterprise and redistributing them. Specifically, it requires developers of lucrative downtown projects to pay a fee into a trust fund. The trust fund is then used exclusively to subsidize development efforts in poor neighborhoods. In other words, developers in areas with high profit potential are being taxed to generate funds for investments in areas with less profit potential. The goal is to spur investments in housing, economic development, and employment training and educational programs.

The way the program works is that linkage fees must be paid in advance in order to get the building permit. About 83 percent of the linkage fees are paid into a housing trust fund and the remainder to educational programs. Linkage funds have a leverage function. The housing funds are not used to cover the entire building costs of housing for the low income population; rather funds are used as a one-time subsidy to make regular standard housing units affordable. That

is, the subsidy lowers the building costs so that the units can be rented to qualifying persons at below market rates. Linkage fees subsidized almost one third of the 9000 housing units that were built in Boston between 1980 and 1990. In one specific year, 1989, about \$7.4 million subsidized 525 new housing units and about \$15.2 million financed 505 SRO (single room occupancy) housing units for the homeless. Given that between 1983 and 1992 over \$120 million in linkage funds were generated, one can see that the overall impact of the program has been quite significant.

It is interesting to note that the policy of enforcing linkage fees involves many sectors of the city. Since linkage fees must be prepaid there is an agreement between the City of Boston and Boston's financial sector. The city of Boston sells the linkage obligations at their present value to the Boston financial institutions which provide mortgages to developers for downtown developments. Thus the city collects linkage funds in a timely manner, the Housing Trust Fund has the means to invest, the financial sector incorporates the payment of the linkage fee into the mortgages, and the developer gets the permit to build on a profitable location. And because the city ties the developer to the financial market, the developer cannot forget about his linkage obligation, as has been the case in cities that only recommend linkage contributions. As for concerns regarding the impact on downtown development, linkage fees have not hindered the city's massive boom of triple A office space development. The end result is a type of "corrective capitalism" that allows everyone to prosper and at the same time tackles social problems in run-down areas.

Just as with revenue sharing, linkage policy sees financial commitment to the needy as a pivotal element in making urban society better. If the federal commitment is reduced, funds must be generated locally. Very few American cities practice some form of linkage policy, although the concept has been discussed widely in the urban planning community. San Francisco, Seattle, and San Diego are among the few cities with linkages policies. Boston, however, has the strictest and most comprehensive policy and has the strongest enforcement; some cities practice linkage more by appealing to private developers to make voluntary contributions to social concerns. Such programs, as can be expected, have not had the impact of the Boston program.

Lessons to Be Learned

European urbanists look at American urban developments with a great deal of concern, given that many major trends in American society, polity, and economy seem to reach European countries with a time lag of only several years. With the massive influx of immigrants, a changing ethnic balance, the formation of urban ghettos and inner city poverty areas, and new poverty accompanied by rising crime, European countries see a dramatic turn in urban developments. These have commonly been associated only with U.S. cities and have been conceived of as an "American Dilemma." Looking at U.S. cities European urbanists seem to get a glimpse of the future of their own cities and societies.

Because of different constitutional, political, and cultural contexts, one cannot simply cut and paste the practices of the United States on European cities, or vice versa. But each side could benefit from trying to see what elements of each other's policy could fit one's own cultural context. Much could be learned by Europeans from the interesting models of equity planning, grassroots community activism, and private voluntarism that have arisen in the United States. Similarly, American society could benefit from learning about European institutionalized efforts of redistribution between regions of growth and those of decline. For example, the German model of revenue sharing, although the outgrowth of a strong state-oriented cultural tradition, could be adapted so that decisions are made at the local, metropolitan, or state level in societies with strong traditions of local autonomy, such as the United States. With such attention to similarities and differences, the process of devolution could proceed in a manner that achieves the decentralization goals of its supporters, without fulfilling the fears of inequity voiced by devolution's critics.

COMMUNITY ACTION

Religious Freedom versus Suburbia

BOB EDWARDS (Host): Religious groups across the country say local zoning restrictions often prevent them from exercising their right to worship freely. They're fighting back with a little-known federal law called the Federal Religious Freedom Restoration Act. It has enabled churches to locate in residential neighborhoods, expand their existing quarters, or build soup kitchens and homeless shelters. But, the localities say, the religious groups are infringing on the rights of other citizens. From member station WBG0 in Newark, New Jersey, Madeline Brand reports.

MADLINE BRAND (Reporter): In Teaneck, New Jersey, a middle-class suburb of New York, residents rarely publicly debate such philosophical questions as the place of religion in a secular society, but recently that issue popped up, disguised as a simple zoning matter. An Orthodox Jewish congregation bought a modest two-story brick house on the corner of a fairly busy intersection in a residential neighborhood. The town denied the congregation permission to conduct services there because neighbors believed the synagogue would bring traffic and parking problems, according to Howard Sturman, the congregation's president.

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HOWARD STURMAN: We're not talking hordes of cars that we would have. I mean, we have 40 families on a Sunday morning. If we have 12 people it's a lot, so we're talking about maybe six or seven cars. But that seemed to be a concern for the neighbors.

MICKEY SHILLAN: We have no sidewalks, so everybody would be milling out in the street.

BRAND: Mickey Shillan lives next door and is one of the residents opposed to the synagogue. She says they plan to build a driveway right in front of her kitchen.

SHILLAN: I believe people have a freedom to worship. I'm not against any religion. In fact, I'm Jewish, and the woman on the other side is Jewish, and the one across the street is Jewish, and they're more orthodox—but you shouldn't go about it the way they did and just say, 'OK, we got a cheap house, we're going to take it over and the hell with you.' That's basically what they did.

BRAND: But the right to worship where they choose is also important, says Jay Poltman, a lawyer and member of the synagogue. He says the congregation is fighting the town's decision, using the Federal Religious Freedom Restoration Act.

JAY POLTMAN: Every lawyer representing a plaintiff in these cases will tell you the same thing: the Religious Freedom Restoration Act is the broadest passage of law that really protects religion, that without it we would have a much more difficult time.

BRAND: The 1993 law says governments cannot interfere with the practice of religion unless there are really compelling reasons to do so, and it says even laws that don't specifically target religion, such as zoning rules, can end up hurting religious groups. The law is a reaction to a 1990 Supreme Court decision. In the so-called *Smith* case, employees at an Oregon drug treatment center were fired for smoking peyote. The workers said they used the drug during their religious practices. The Supreme Court said the state's drug law superseded the employees' religious claims.

DAVID ROKA: That decision outraged many people, the ACLU among them, but most especially various religious denominations and organizations throughout the country.

BRAND: That's David Roka of the American Civil Liberties Union.

ROKA: Because they, and we, recognize that that ruling would end up posing a significant burden on religious freedom because there are all kinds of laws which are not aimed specifically at infringing on religious freedom, but can quite clearly have that effect.

BRAND: As a result, these groups pressured Congress to adopt the Religious Freedom Restoration Act. The ACLU advised in another case of a synagogue fighting zoning restrictions. In Montclair, New Jersey, not far from Teaneck, a congregation won the right to locate on a quiet, tree-lined block over the objections of residents like Bob Holmes. Holmes says for him the issue is not anti-Semitism, it's traffic and noise. He doesn't object to a synagogue moving into his town as long as it adheres to local zoning laws, which separate houses from other buildings.

BOB HOLMES: Are there people who may not want a synagogue or a mosque or whatever in town? Presumably there are, but most of these zoning plans are attempts to try to create a balance so that everybody can get along and so that you have the least amount of problems. You don't want to set up a plan where people have to call the police because they're kept up late at night.

BRAND: Holmes is taking his fight to the courts, where he hopes to show that the Religious Freedom Restoration Act is fundamentally flawed. Holmes, who is also a lawyer, says it violates the First Amendment's Establishment Clause, which forbids the government from establishing a religion. He says religion now has an unfair advantage over secular concerns.

HOLMES: The First Amendment allows for the practice of religion. It also prohibits government from establishing religion, and so when you pass legislation, the legislation has to be neutral as to religion. It doesn't favor religion, doesn't place it in a category of higher protection; it has to be neutral.

BRAND: But the other part of the First Amendment, protecting the right to worship freely, allows for certain exemptions, according to Mark Stern, the legal director of the American Jewish Congress.

MARK STERN: We've had conscientious objection by statute for military service since the very founding of the Republic. During Prohibition, for example, we allowed the sale of sacramental wine, while prohibiting all other uses, and the statute books are littered with such exemptions, and the Supreme Court has made it perfectly clear that in theory there's nothing wrong with them.

BRAND: Stern says since the law was enacted three years ago, there have been some 250 cases nationwide. In Washington, a church successfully argued that its religious mission was hampered by a zoning board's refusal to let it open a soup kitchen. In California, two Sikh children won the right to carry ceremonial daggers to school, and prisoners have cited the Religious Freedom Restoration Act when wardens have forbidden them from having rosary beads, for example, or growing their hair. Judges have, in general, taken a dim view of prisoners' rights cases, but Stern says in zoning controversies the Religious Freedom Restoration Act has proved a valuable tool in making sure traffic and noise don't overshadow the First Amendment.

For National Public Radio, this is Madeline Brand reporting.

Zoning for Churches: Guidelines, But No Magic Formula

Marc D. Stern

The religious pluralism of which America is justly proud is in large measure the product of its religious free market. The success of any religious vision depends on its success in the marketplace of ideas, not on its access to political power. People who have a common religious vision come together, pray together, and then build structures designed to facilitate the communal service of God. These buildings are sometimes quite simple and sometimes breathtaking.

To this day, no one needs the permission of any government official to form a church. For much of the nation's history no one needed official permission to build a church, synagogue, temple, or mosque in the way that they saw fit. Today, though, official approval of building plans is the norm, not the exception.

Obtaining such permission is neither a forgone conclusion nor merely a slight burden. The process of securing approval is expensive and protracted. More than one congregation has failed while seeking zoning approval—sometimes because of the prejudice of local officials or a failure of local officials to resist popular bias, sometimes because of a selfish desire to have the burdens of religious institutions located elsewhere, sometimes due to bureaucratic processes, and sometimes due to plans that posed unsustainable burdens on local communities.

The imposition of zoning requirements on churches is not an arbitrary development. With the growth of tightly packed cities and suburbs desirous of preserving their residential character, and with a growing understanding of the environmental effects of development, it is inevitable that land use planning would be required of religious institutions.

Although some church officials continue to argue that they should be able to build wherever and however they wish, this is neither desirable nor legally enforceable. And while zoning officials and residents sometimes assert that houses of worship should be treated exactly as other land use applicants, that, too, is neither desirable nor legally acceptable.

Special protection for houses of worship serves important interests of the community, including protecting religious freedom, maintaining a free marketplace of religious ideas, and encouraging institutions that have a key role in shaping the moral values of the nation. These interests cannot and should not be hostage to local self-interest.

But religious institutions serve populations that are less and less centered in the geographic communities in which they are located. It is these geographic communities, however, that bear the burden of the physical plants of religious institutions. While the benefits a house of worship provides may serve many communities, the physical burden is felt locally, where the institution is located. A minister's preaching may be heard across the nation through radio or television; but the traffic is borne by the neighbors. Thousands may be inspired at weekly services; but the water that runs off the parking lots runs onto the property of adjoining land owners, not those attending the services.

The question is how best and most fairly to balance two competing goods, or, more precisely, the interests of different communities. Surely it is more difficult to balance the competing interests than to apply mechanical bright line rules. But it must be done.

There are, however, some bright lines. First, religious bias is never acceptable, although it seems to fuel a disproportionate number of church-zoning disputes. Land use officials not only must ensure that they are themselves not biased, but they should be alert to the possibility that apparently neutral objections of neighbors do not mask bias. Not long ago, I represented a small Jewish congregation seeking to convert a house into a synagogue. One of the zoning officials warned that if the application were granted, the suburban town would soon look like an adjoining city that suffered from urban blight and too many storefront churches.

I protested that that remark was biased, to which the official responded that he resented my suggestion that his remark was anti-Semitic. I noted that I was suggesting that the remark was racist, not anti-Semitic. Rules against the storefront churches of the poor—or rules that require lot sizes only the wealthiest of churches can afford—are particularly subject to abuse as masks for bias, whether it be religious, racial, or economic. Religious freedom is not only for the white and rich.

Second, zoning authorities are not free to decide that there are enough churches in town or that the theology of a proposed church is similar enough to some other church in town so that there is no need for the proposed new house of worship. The Supreme Court has warned against officials “high or petty” deciding questions of religious orthodoxy, and zoning officials are bound by the holding, which reflects the national commitment to a free marketplace of religious ideas.

Third, religion is not to be held to stricter rules than other forms of group activity. If a town does not limit the number of occasions that an owner may host a book club, it should not regulate small gatherings for religious purposes either.

Churches, too, are bound by some bright line rules. First, they may not avoid the zoning process altogether. Even though such processes have become overly long and sometimes prohibitively expensive, reasonable procedures are the price of living in an orderly society.

Second, religious institutions must acknowledge, as they sometimes do not, that their presence constitutes at least some burden on their neighbors. Whatever can be done to minimize those burdens ought to be given serious consideration. Many relatively simple steps will go far to obviating the burdens communities bear from the presence of religious institutions. Soundproofing, noise barriers, extra exits from parking lots, voluntary limits on the hours of use—all are devices that have successfully minimized the burden religious institutions impose on a neighborhood.

Third, and perhaps most crucial, it is important for religious institutions to talk to their neighbors. I am often amazed at how many church-zoning disputes could be avoided, or at least minimized, if the

institutions and neighbors talked to each other, listened to each other's plans and objections, and attempted to reach acceptable common ground.

No magic formula can whisk away all conflicts between religious institutions and communities. But a bit of common sense, together with an appreciation of the costs to the other, can go far to reducing the conflicts to manageable proportions.

For Better or For Worse

From the Constitution of Ireland [article 41]:

"The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law. The State, therefore, guarantees to protect the Family and its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State."

THE COMMUNITY BOOKSHELF

A New Harmony?

James Burk

Charles C. Moskos and John Sibley Butler, *All That We Can Be: Black Leadership and Racial Integration the Army Way* (New York: Basic Books, 1996). 198 pp.

Of all the difficulties Americans face, surely the problem of race relations is among the most vexatious and intractable, especially relations between “whites” and “blacks.” More than 50 years ago Gunnar Myrdal called this America’s dilemma, striking a responsive chord that reverberates still. Of course, many African Americans have achieved a great deal in the wake of opportunities created by the civil rights movement and its reform of our laws and mores. Yet scholars today still document the persistence of racially segregated housing, racial discrimination in opportunities for gaining employment and loans, and a disproportionate number of African Americans among the very poor and the imprisoned. Why should this be? Some argue that, whatever the original reasons, America’s racial divisions have run so deep for so long that the country is no longer one nation, but two. Others argue that the problem is really class-based and that racial division is the way class conflict is encoded in the U.S.; it will last as long as inequality does. Neither view is optimistic. Both are rooted in a “paradigm of black failure.” At the center of this paradigm is a relentlessly negative depiction of the life of black Americans, a depic-

tion that—even without intending to—reinforces the idea that not much can be done to change or to improve the situation.

Charles Moskos and John Sibley Butler disagree. The purpose of their book is to oppose this paradigm. They believe that America's dilemma is not unresolvable and that much can be, and at least in one place has been, done to establish if not perfect then at least good race relations. Their confidence rests on deep knowledge of how race relations have been managed and modified within the U.S. Army. Their knowledge comes in part from surveys and interviews done for this book, but also from their many years of studying this aspect of military life. Telling what they have learned, they convincingly argue that the recent history of race relations in the army is a success story. They argue further, somewhat less convincingly, that the army offers a model for more harmonious race relations that can and ought to be followed in civilian life.

Setting aside the allure of success, one may be excused for wondering whether the army is really an appropriate institution on which to model race relations for a democratic society. There are at least three arguments against it. One is that the army is a coercive institution and so can rely on methods of command and surveillance that other institutions cannot and, if a liberal society is valued, should not. A second argument is that the army is a sheltering institution. All soldiers enjoy some measure of material security. Unlike civilian society, the army does not confront racial disruptions stemming from the fear or experience of brute poverty. Finally, some claim the army is a privileged institution. Again unlike civilian communities, it can exclude the bottom rung from its ranks, making it easier to institute good race relations programs.

Moskos and Butler meet each argument head on. First, they say, most organizations in civil society are not democracies; the army may not be as unique as we think. In any case, prisons are surely more coercive than the army and prisons have notoriously bad race relations. Second, while soldiers do enjoy some level of material security, the fact is that they have always done so. Moskos and Butler wisely wonder how this unchanging fact of army life can explain historical variations in the quality of the army's race relations. Finally, they concede that the army recruits selectively, seeking highly qualified

youth. Still, the army does not usually attract the highest quality youth, who are more likely bound for a university than for a tour in the enlisted ranks. And many leading universities that do attract the highest quality youth report an increase in racial tension on their campuses; few if any report achieving a significant level of racial integration. In sum, neither coercion nor security nor privilege can explain away or eliminate the relevance of the army's achievement.

Taking *Affirmative Action*

The army was not always a racially exemplary institution. Typically, it mirrored the racial problems experienced by the rest of American society. As recently as the early 1970s, racial polarization and conflicts marked army life as they marked the rest of society. It is the army's transformation and success since then that Moskos and Butler focus on. Confronted with problems, the army reformed itself. It did not ignore, but paid special attention to race relations.

First, the army adopted a strict policy of intolerance against any form of racial discrimination. The careers of commanding officers were made to depend on their adherence to this policy. They were supported in their efforts by a new institute for equal opportunity that diagnosed the "equal opportunity climate" of units, provided sensitivity training for NCOs and officers, and schooled NCOs who served as equal opportunity advisors to monitor racial incidents and respond to racial complaints. The program was not designed to eliminate racial prejudice or to punish every prejudiced expression. It was designed to eliminate discriminatory acts and to punish racial slurs when they interfered with organizational effectiveness.

Second, the army adopted a strict policy of maintaining performance standards for promotion. It did and does monitor the progress of blacks through the promotion system. Its goal is to promote blacks and other minorities (including women) at the same rate as all others being considered. If that goal is not met and subsequent review shows that it could not be met without violating promotion standards, so be it. This is not discrimination. Discrimination occurs when qualified officers are not promoted because of their race. By not promoting unqualified people, the status (and esteem) of those who are promoted

remains high. Black NCOs and officers enjoy a high level of respect in part because no one doubts that they earned their rank.

Third, the army made a significant commitment to compensatory programs so blacks and others could acquire tools they need to compete for advancement within the army. Specifically, programs were established that aimed to increase the number of African Americans qualified for entry into the army and, once in, for promotion. The programs were and are wide-ranging. They extend from high school preparatory work and special allotments of ROTC scholarships for historically black colleges and universities to in-service academies for enlisted personnel trying to qualify for promotion to NCO and informal mentoring of junior black officers by those who went before them.

These programs demonstrate the army's commitment to equal opportunity, and they have made a difference. Operationally, army performance is unhampered by racial tension, despite being perhaps the only institution in American society where blacks routinely boss whites. Moreover, blacks are not marginalized, but live at the center of army life. That holds not only in formal settings but in the mess halls and social clubs. Army culture is an Afro-Anglo culture: one culture, but multiracial, well reflecting the history of the nation. It is noteworthy that whites and blacks in the army do not reproduce the huge gap that separates white and black attitudes in civilian life when they are asked about divisive or controversial social questions (e.g., the guilt of O.J. Simpson). The gap is not eliminated, but the separation is much less; division is moderated.

Civilian Application: Problems and Possibilities

With such results, who can wonder that Moskos and Butler believe the army sets an example for civilian society? The question is whether this is a prescription that American society at large can follow. Moskos and Butler think it is, and they urge us to move in that direction through an expansive program of national service. Reluctantly, I must dissent from their conclusion and their recommendation. Like many readers of this journal, I think the nation would be well-served by a large-scale national service program that involved youths of all races, classes, and places in a common effort for the common good. A strong sense of membership in and attachment to the national community

depends on such efforts. Nevertheless, national service seems an unlikely vehicle to follow the army's program for establishing good relations among the races.

We must consider the special conditions under which the army reform worked. In the 1970s, transition to the all-volunteer force meant a disproportionately large number of blacks enlisted in and remained within the army. Their greater presence (now 27 percent of all) made accommodation of racial differences absolutely essential and on terms that did not greatly favor any one group. No similar presence exists throughout American society at the moment, although it may sometime in the future, and so no similar pressures exist to force accommodations of racial differences. Hardly less important, army leaders agreed on their community's purpose: to prepare to defend the nation's interest. They could act authoritatively to institute programs to help achieve that purpose. No doubt the same could be said for (and done by) other organizational elites in the civilian sector. But is there now a sense of purpose for American society that is strongly shared by our governing elite? A sense of purpose so clear that it supports agreement about standards for allocating social goods and judgments about when those standards are maintained or violated? I doubt it. Utopian communities sometimes have such a sense. But are they a model to follow? It is doubtful that our national community could walk down this path without abandoning commitment to liberal democratic values. If those values were lost, would those in power care about promoting a racially just and decent society?

No, the army way is not the American way. This does not dismiss what the army has accomplished or mark it as irrelevant. Moskos and Butler describe a successful and tested model for establishing and maintaining good race relations. It is not a model for the national community, whose authority and sense of purpose are too diffuse. But it is a model that can work within organizations—within more circumscribed communities where authority and purpose are concentrated. Leaders of civilian institutions may follow the army's example *if* they believe that good race relations are an important element for their organization's success. Hopefully that belief is widespread among the leaders of businesses, universities, governments, and other community institutions. And hopefully they adopt something like the army's model for successful reform. If both hopes are realized, then race

relations in American society will be transformed. The paradigm of black failure would subside into memory, and reflection on America's dilemma could be confined to studies of our past.

Especially Noted

Jessica Mayer

David B. Schwartz, *Who Cares?: Rediscovering Community* (Boulder: Westview Press, 1997). 169 pp.

A suicidal woman is moments away from jumping off a bridge. One man, observing from a short distance, reaches for the telephone to dial 911. Another man, driving a bus along that same bridge, opens the bus door and pulls the woman inside. Dr. David Schwartz parallels these reactions with the two structures that currently exist to assist the developmentally and physically disabled: formal social service organizations versus informal, interpersonal care systems. Schwartz relies on individual stories to encourage the latter, thus enhancing community with the combination of formal care services and more humane responses to handicapped people.

Daniel A. Bell, "A Communitarian Critique of Authoritarianism: The Case of Singapore," *Political Theory*, Volume 25, Number 1, February 1997, pp. 6-32.

Faced with charges of authoritarianism from Western critics, the Singaporean government has defended its regime in the name of upholding Singapore's community-oriented values. But, as the author highlights, this nominally communitarian defense is shattered by the reality of Singaporean civil life. Fulfilling Tocqueville's prediction that an authoritarian, paternalistic government inevitably causes its citizens to retreat from civil society, Singapore's citizens by and large lack any sense of patriotism and community,

and devote much of their time to the individualistic pursuit of material goods.

Mary Ann Hinsdale et al., *It Comes from the People: Community Development and Local Theology* (Philadelphia: Temple University Press, 1995). 400 pp.

A unique collaboration of authors, ranging from a Catholic sister to a historian and sociologist, offer an exhaustive case study of a small rural town struggling to revitalize itself. Ivanhoe, Virginia was on the brink of collapse following the closing of local mines and factories when a group of leaders, primarily women, emerged to articulate a “liberation theology” that would ultimately preserve the town. Through the use of photographs, interviews, stories, songs, and poems, *It Comes from the People* illustrates that cultural and shared values are at the crux of any community’s well-being.

Douglas Henton et al., *Grassroots Leaders for a New Economy: How Civic Leaders Are Building Prosperous Communities* (San Francisco: Jossey-Bass Publishers, 1997). 244 pp.

What determines whether a geographic region will enjoy economic success, or whether its efforts at achieving stability and prosperity will fail? According to the authors, the answer lies in the intersection of business, government, education, and community. In their test case of Silicon Valley, the authors discovered that a region whose distinct sectors are joined by healthy, mutual relationships benefits from economic resiliency and long-term goals. In contrast, a region lacking such reinforcement risks buckling under the increased pressures of the information age. This book advocates “civic entrepreneurs” and “collaborative advantages” that would make it possible for economic communities to compete on a global level.

Tony Blair, *New Britain: My Vision for a Young Country* (Boulder: Westview Press, 1996). 338 pp.

To those who once referred to the Conservatives as “cruel but efficient” and Tony Blair’s Labour Party as “caring but incompe-

tent,” Blair suggests a closer look. His new book outlines Labour Party positions on topics such as family (“women want to balance family and work”), crime (“tough on crime...is not an empty slogan”), and education (“education should be based on ability to benefit and not ability to pay”). Blair asserts that Britain must seek both a less divided society and a more productive economy, and condemns the Conservatives for having failed in these respects. No society can prosper unless all of its people prosper, says Blair, and he therefore urges support for the community-focused agenda of the Labour Party.

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LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

Prudence versus Paranoia

Recent national highway safety statistics show that 16- to 19-year-olds nationally make up 7 percent of drivers, but are responsible for 14 percent of fatal accidents and 20 percent of all accidents. California state senator Tim Leslie, responding to urging from the American Automobile Association, has drafted a bill that would restrict the privileges of newly licensed drivers—not to be “punitive” but to “save lives,” Leslie said.

According to *The Daily News of Los Angeles*, under Senate bill 1329, 16- to 18-year-old drivers would be prohibited from transporting their peers, and would be restricted from driving between midnight and 5 a.m., for six months and one year, respectively, after receiving their driver’s license. Exceptions would be made for teens driving with a parent or guardian, or with a person 25 years or older in the car. The bill also sets practice requirements for would-be drivers: 50 hours with a parent or guardian, 10 of those hours at night, before a license is issued.

The California ACLU, however, calls the bill “shortsighted.” Its legislative director, Sam Mistrano, complained, “if police see any suspicious activity they have the power to stop motorists. It gives police more power and it’s not needed.” Perhaps equally noteworthy are the comments of 18-year-old P.J. Gabayan, who calls the bill

“unfair:” “We’ve got to have our fun. As long as we stay out of trouble, they shouldn’t hassle us.”

From the Authoritarian Side

The Holiday Spirit

The March 1997 issue of *The Religion and Society Report* literally makes “a plea for intolerance.” In an article thus titled, the editor criticizes a Thanksgiving Day feature in *The Chicago Tribune* that highlighted how Americans of non-Christian or non-traditional Christian backgrounds celebrate the holiday. The *Report* lamented, “It might have seemed that no traditional American protestant denomination was to be reflected at all.” The *Report* article expressed fear that, by showing how Thanksgiving is celebrated by “non-traditional” Americans, “historical and religious significance” is lost as a result of “multicultural tolerance gone wild.”

In its next section, titled “Down with Authentic Traditions,” the article decries a *Tribune* editorial arguing for the Confederate flag to be taken down from the South Carolina state capitol building. “It is a historical falsification,” the *Report* states, that the confederate flag is a “symbol of racism;” according to the *Report*, the flag “stands for freedom,” which Southerners “correctly, but unsuccessfully claimed” as their right under the Constitution at the time of the Civil War. Disregarding this contested interpretation of history, the Confederate flag has unquestionably become the adopted symbol of the Ku Klux Klan and other white supremacist groups. Nevertheless, the author claims that it is only “anguished and angry black spokesmen” and “supercilious northern media” that really want to take down the Confederate flag.

Sincere Apologies—Mocked

While in college in the mid-1980s, Laura Ingraham was editor of the *Dartmouth Review*, a conservative publication known for its strong

stances and stronger rhetoric. Among Ingraham's targets while at the *Review* were homosexuals, both those on campus and in general. After she graduated from college, Ingraham's brother told her that he was gay. Since then, she has grown close to both her brother and his partner, who is dying of AIDS.

As both time and circumstances have changed Ingraham's views, she decided to write on the topic in *The Washington Post*. Ingraham, now a CBS and MSNBC political analyst, sought to explain and apologize for some of her actions while working at the *Review*. Some of her actions were "journalistically justifiable"—Ingraham recalled how she had sent an undercover reporter to a Gay Students Association meeting to find out how university funds were being spent because the group would not make its budget public. But Ingraham also admits to having deliberately used extreme language—for example, using the word "sodomites" to describe gays—with no consideration for the impact such language would have on gays or on the campus environment.

Labeling her behavior at Dartmouth as "antics," Ingraham explained, "In the 10 years since I learned my brother Curtis was gay, my views and rhetoric about homosexuality have been tempered...because I have seen him and his companion Richard live their lives with dignity, fidelity, and courage." She goes on to urge for increased funding for AIDS research and expresses frustration at the strain her brother and his partner—and thus all homosexual couples—experience as a result of not being able to share the same legal, financial, and emotional benefits enjoyed by a heterosexual married couple.

Dartmouth professor Jeffrey Hart, the faculty adviser to the *Dartmouth Review*, was not persuaded. According to *The Weekly Standard*, Hart called Ingraham's piece a "phoney political confession" and a "Stalinist...political show trial," and accuses it of being "obviously designed to promote what she foolishly believes to be a career in the media."

Ingraham, responding in writing to Hart, explained that "the piece was written from my heart...for my brother and for Richard, who died yesterday." Hart, in turn, wrote in a public memo, "Socko ending!...people die all the time."

From the Community

Tribal Self-Help

According to a recent report issued by the Carnegie Foundation for the Advancement of Teaching, tribally controlled colleges are playing a significant role in the lives of native Americans. These institutions of higher learning are both founded and governed by native Americans. There are currently 27 such institutions, mainly concentrated in the northern Plains and in the Southwest. (The first tribal college was founded in 1968 on the Navajo Reservation in Arizona.)

The hurdles these colleges face are significant. Some obstacles are social: many native Americans have come to accept failure as the norm. Some obstacles are financial: while there has been some foundation support, the tribal colleges still must survive on budgets that are fractions of those of other colleges.

Nonetheless, according to the report, these institutions are “without question, the most significant development in American Indian communities since World War II.” Unlike many institutions that do not cater specifically to native Americans, the tribal colleges have established a learning environment that is both challenging and supportive for students who have often not expected much from themselves. Perhaps the best sign of their success, though, is that overall enrollment has doubled since 1989, from 10,000 to 20,000 students.

Police Training for Citizens

Traditionally, efforts to promote what is called “community policing” focus on increasing officers’ knowledge and direct involvement in the community: more foot patrols, keeping an officer in one neighborhood so he or she becomes more familiar with the residents, and so on. Increasingly, though, communities are taking the opposite tack, attempting to familiarize citizens with what the police do.

At a program in Framingham, Massachusetts, enrollees attend classes on subjects such as patrol procedures, victim services, officer safety, and the general philosophy of community policing. Citizen

police academies like this one have been formed across the country, since the first one opened in Orlando, Florida, in 1985. In Massachusetts alone, according to *The Christian Science Monitor*, there are 103 such academies. Police departments originally organized citizen academies to teach community members how departments operate and how policing techniques work, but the Framingham academy finds it more effective to use an interactive approach. The academies thus provide a bond between the police and the community, and provide citizens with the ability to improve the quality of life in neighborhoods, says Kathleen O'Toole, the Massachusetts secretary of public safety.

While the response to these programs is generally favorable, some critics argue that the citizen academies are more a public relations ploy than an effort to reduce crime. According to sociology and criminology professor Richard Moran, "It seems like an opportunity for police to tell their side of the story so people will know how hard their job is and what they're up against. I don't think that's how you use scarce crime-fighting dollars." Despite such concerns, the popularity of the academies continues to grow, especially among youth.

Nora Pollock

KALEIDOSCOPE

SOUTH KOREA: TOO MUCH EDUCATION?

In an effort to equalize educational opportunity, South Korea's government has banned private tutoring in any subject offered during the regular school day, with the exception of music and art. The government's logic is that poor people should have access to the same educational opportunities as the wealthy.

While the law may be difficult to enforce, authorities have been making an effort. To prevent private tutoring in English, for example, bank officials are required to check the passport and visa status of foreigners exchanging money, and some illegal tutors have been caught when trying to exchange large sums of Korean money into U.S. dollars. The English language craze is the latest fad in South Korea, where it is common for elementary school children to study until 11 p.m. and for families to spend over \$10,000 a year on private tutoring. Recognizing that many families will disobey the ban on English tutoring, the government is already planning to introduce television tutoring. By funding the tutoring programs, the government hopes to provide equal access to the English lessons for those who cannot afford private tutoring. As an incentive for students to watch, questions on the national exams will be discussed on the show.

The prohibition on tutoring adds to South Korea's other efforts at assuring equal educational opportunity across socioeconomic classes. The curriculum at schools is nearly the same throughout the country, and teachers have little choice about what to teach. Kim Byung Kook,

a professor at Korea University, explains: “The idea is that education is such an important ticket in life, that rich people should not have an advantage, that money should not buy education.” Critics argue, however, that this uniformity can also be a weakness because there are few schools that cater to the special interests or needs of various students. Nonetheless, South Korea’s rise to economic success has been largely attributed to its rigorous educational system.

JAPAN: LOLITA OBSESSED

While Japanese men have long focused their sexual fantasies on younger women, the recent trend has been towards younger and younger girls. According to a recent poll in Tokyo, 25 percent of junior high school girls said they had taken part in “telephone clubs,” in which men pay to have erotic conversations with girls. Four percent of junior high school girls said they had been paid for “dates” with men. Hirouyuki Fukuda, the 30-year-old editor of a magazine called *Anatomical Illustrations of Junior High School Girls*, says, “The age at which the girls seem interesting is clearly dropping. But it’s only the maniacs who go for girls below the third grade.”

Tokyo is filled with “image clubs,” where Japanese men pay \$150 an hour to satiate their sexual fantasies with girls dressed in their plaid-skirt school uniforms. In one of these clubs, men can choose from rooms including classrooms, a school gym changing room, and imitation railroad cars where they can grope girls in school uniforms to the recorded sounds of commuter trains.

One Japanese man in his forties who chases high school girls through telephone clubs and says he has slept with at least 20 of them explains, “I think all men are like that. It’s only play. It was only a money affair.” Some experts, however, attribute the obsession with girls to the changing role of women in Japan. Men feel intimidated by Japanese women’s increasing levels of sophistication and education, and thus find the younger girls to be unthreatening. For the girls, the desire for consumer goods seems to be the driving incentive.

Despite concern in Japan about this trend, there is little the authorities can do. It is legal in Tokyo for men to have sex with children

over the age of 12. A police spokesman explained, “There is no law, so far as we know of, to punish such conduct directly.” The Education Ministry plans to add “children’s sex” to the school sex education curriculum, but this too may be an uphill battle, as 25 percent of those surveyed by the Japan Youth Institute indicated that they thought acts of prostitution should be a personal choice.

Michael Bocian

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THE COMMUNITY'S PULSE

HOW FAR WE'VE COME¹

(Asked of a random sample of Americans in 1939): Do you think there should be laws compelling Negroes to live in certain districts, or should social pressures keep Negroes out of white neighborhoods, or should Negroes be allowed to live wherever they want?

There should be laws	41%
No laws, but there should be social pressure	42%
Allowed to live wherever they want	13%

ILLEGITIMACY²

Percentage of births to teenagers age 15–19 that occur out-of-wed-lock:

1960	14.8%
1970	29.5%
1980	47.6%
1990	67.1%
1994	75.9%

HOMEWORK³

How much time do your children usually spend on homework each night?

>2 hours	21%
1–2 hours	26%
<1 hour	49%

TEACHING MANNERS⁴

Which of the following qualities are especially important for parents to encourage in their children?

Good manners,	
 politeness	59%
Responsibility	56%
Tolerance	48%
Religious faith	29%
Independence	25%
Obedience	16%
Imagination	8%
Patriotism	2%

1. *The Washington Post*, April 6, 1997.
2. *The Washington Post*, January 28, 1997.
3. *The Wall Street Journal*, March 14, 1997.
4. *The Public Perspective*, December/January 1997.

Compiled by Frank Lovett

COMMUNITY NEWS

ELLIS ISLAND IN THE HEARTLAND

Long before the Red River recently flooded its surrounding plains, Fargo, North Dakota, was already coping with a rising tide. More and more migrant Hispanic farm workers have been settling in this farming region of 155,000, which also includes Moorhead, Minnesota. They are attracted by work in light-assembly and sugar-beet-processing plants, and by low housing costs. Two church-related social service agencies are also relocating refugees here from Iran, Somalia, Bosnia, Armenia, Haiti, and other trouble spots.

The Fargo-Moorhead area's immigrant population doubled to 4 percent during the 1980s and promises to double again before the turn of the century. In a region where outsiders have long been few, the new arrivals sparked a growing unease. "There were concerns about crime and increasing welfare rolls," says Yoke-Sim Gunaratne, a Malaysian who worked for Lutheran Social Services in Fargo to resettle refugees. "Local leaders were seeing signs of rising frustration and racial intolerance. They knew they needed a strategy to prepare the community for what was becoming its future." Gunaratne now heads the Fargo area's Cultural Diversity Project, a pioneering four-year effort funded by the Pew Charitable Trust to help small towns learn to welcome and accommodate diversity instead of fearing it.

The need is clear. Scores of smaller cities and towns across the United States are facing issues of ethnic diversity for the first time in decades. According to the Immigration and Naturalization Service,

the U.S. government dispersed more than 100,000 refugees across the country last year. In addition, immigrants in crime-plagued U.S. cities are following in the footsteps of millions before them and leaving the city in search of a better life—and later they often bring family members from their native lands.

The one million people who immigrate to the United States each year—an estimated one-third of these illegally—are not entirely welcomed. In a February 1996 Roper poll, 70 percent of Americans surveyed favored slashing legal immigration to less than 300,000 a year—less than half of current legal limits. Last year's federal welfare reform law cut social services and benefits to legal immigrants, a battle that is still being fought in Congress. Those strictures arose in part from the tumult immigration has brought to smaller communities such as Wausau, Wisconsin, and Storm Lake, Iowa. In Storm Lake, a meat packer imported hundreds of Mexican workers. The town's 8,700 residents had to provide an expensive English as a Second Language curriculum in schools and foot health care bills of injured workers not yet eligible for the packing company's insurance plan. Crime, confrontation, and resentment festered.

Wausau, a quiet city of 37,000, hosted hundreds of Laotian refugees. In the early 1990s, 70 percent of the new arrivals were receiving public assistance. Property taxes in 1992 rose 10.48 percent—three times the regional average—to cope with schooling the immigrant children. "Immigration has inspired racism here that I never thought we had," one public official said.

While no area has yet found a way to solve the practical problems that come with immigration, Fargo is determined to avoid the interracial tensions those problems can bring. As residents tell it, the story of the recent flooding is one of not only neighbor helping neighbor, but of people crossing lines of color and national origin. "You saw it in the streets," said Sonia Hohnadel, who is living temporarily in a hotel room with her husband and two daughters, because of water damage to their home near Moorhead. "People just wanted to help, regardless of color, regardless of who needed the help. It was beautiful to see."

Hohnadel, a Mexican-American whose husband is of Norwegian descent, gives a slice of the credit to the Cultural Diversity Project, which has provided ethnic-sensitivity training for teachers, social

service workers, and corporate employees. It also offers leadership seminars to prepare minority representatives for spots on public boards and committees, and matches candidates with mentors. The project strives to show immigrants' human faces. It sponsors an annual cultural festival at which all cultural groups offer their native foods and music. "We showcase the skills and crafts each group brings to the community," Gunaratne says. "It's a nonthreatening way to bring people together."

"Until you hear personal stories, you don't deal with people as individuals," says Hohnadel, a social worker who has taken part in the events. "A Somali woman talked about what she went through to save herself and her kids. When you hear that, you realize that we all have the same needs, the same wants, the same heart." Hohnadel pauses. "Thanks to the program, there's more acceptance and openness now. We're dispelling ignorance one person at a time."

Bennett Daviss, American News Service

The Responsive Community and The Communitarian Network have fall, spring, and summer internships. Primary responsibilities include: research, reading and evaluating manuscripts, and editing. Internships are unpaid, but may lead to gainful employment. Send resume to: Internships, 2130 H Street, NW, Suite 714J, Washington, DC 20052.

COMMENTARY

New Urbanism: A Memorial to the Town

Americans are constantly distracted by the promise of “A Better Place to Live,” as Philip Langdon (Spring 1997) often describes neotraditional communities. These better places have included pioneer towns, model company towns, the communities of the federal resettlement program of the 1930s, and a century’s worth of experiments in suburban bliss that included models such as Riverside, Radburn, Columbia, and Reston. Media jubilation has greeted and disseminated images of each new “ideal” community. Columbia, despised by the New Urbanists for its buffer zones and widely segregated uses, received a long and resounding ovation from the press after its opening in 1968. And now the mediafest has focused on neotraditional communities and the promises of a New Urbanism.

And what are these promises? New Urbanism offers town-like environments for a nation of people who really want to live in the suburbs. We Americans long for certain elements of the town (and for the national character traits they signify) but we are wealthy enough to buy them in a carefully edited and sanitized version that does not include the other, messier attributes of town life with which we are disenchanted: ethnic, racial, or economic diversity; the bustle and roar of real commerce and a nonresidential economic base; the insecurity and crime that can accompany a population not automatically preselected by the price of a house; and the weightier responsibilities of real local government rather than just resident associations.

New Urbanist planning principles might, if implemented on a large scale by a coordinating agency with broad powers of oversight, arrange new suburban growth in slightly more compact, more thoughtful, and more tasteful ways. But as these principles are currently promoted—through the marketing of a burgeoning number of separate, unconnected, private developments—they may simply add to the steady pace of sprawl, and to the continual draining of towns and cities—the real *urbs*. The answer to sprawl—which New Urbanism purports to be—lies not in the continuing search for a better place to live, but in the determination to make the places we already occupy better.

The design of the places we live *can* affect our quality of life, but in pining for pre-World-War-II “communities” of vague description, depicted through the haze of nostalgia, Mr. Langdon fails to ask why many Americans have continually rejected denser settlements in favor of newer, more open ones. Not only is there a trend away from the economic and social demands of city life (where traditional urban design including mixing of uses is still practiced without fanfare in residential neighborhoods), there is a trend *toward* the privacy of the suburbs. These trends were not instigated by designers, but by the public longings that drive the marketplace in conjunction with developer manipulation.

And what of the New Urbanism’s social promises? Mr. Langdon concludes, apparently on the basis of a few interviews, that the residents of Kentlands are happy. This only makes them similar to, rather than different from, other suburban dwellers. Many residents of suburban cul-de-sacs are also happy. And so are the residents of Columbia, as Carlos Campbell reported in his 1976 book *New Towns: Another Way to Live*. Mr. Campbell’s book followed the 1968 founding of Columbia by about the same time lag as Mr. Langdon’s article follows the founding of Kentlands.

Andres Duany has predicted that in 10 or 20 years, the New Urbanist style will predominate new development. If he’s right, we will have to welcome the neotraditional subdivision, with its rigidly coded good intentions, as the new living environment of American choice. And the only sad thing will be if we do not *recognize* this as a new way of life rather than an old or traditional one, as it pretends to

be. The *subdivurb*—a subdivision with urban pretensions—may be a better place to live, but it is not a town. It is a memorial to the town. In choosing it, Americans will reveal that they love the town as part of their history—but not part of their present.

Anne Mackin and Alex Krieger

Authors of A Design Primer for Towns and Cities

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