

The Responsive Community

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UP FRONT

A Cultural Revolution in Juvenile Violence?

Jack Levin

Obscured by the sensational headlines about school snipers and child molesters on the loose, there is actually some good news to report on the subject of juvenile crime. For several years now, the rate of serious crime committed by young people has been on the decline. For example, according to criminologist James Alan Fox, the murder rate for perpetrators in the 14-to-17 age group dropped to 16.5 per 100,000 in 1997, after having soared to 30.2 per 100,000 in 1993. Similarly, the homicide rate for young adults aged 18 to 24 rose to 41.3 per 100,000 in 1993, then declined to 33.2 in 1997.

To explain decreasing teenage crime rates, studies have focused on a recent decline in the crack epidemic and its accompanying street wars. Zero-tolerance policing, greater handgun control, and other policies are also cited. And evidence suggests that all of these factors have helped reduce serious offenses committed by youngsters. But even more important, I believe, is an incipient cultural revolution—a profound and pervasive change in how Americans treat children and teenagers at the level of the local community.

Criminologist Alfred Blumstein has suggested that the competition for crack and other drug markets, after a decade of unabated warfare between youthful dealers, has finally subsided. Many of the winners are, of course, still on the streets, peddling their wares. But

the losers are no longer causing trouble for big city residents—most of them are dead or incarcerated, or have relocated to other communities. At the same time, a beefed-up criminal justice system has taken many of the handguns off the streets and out of the hands of teenage predators.

This explanation is fine, as far as it goes. But there is more to the story. Youth crime directly related to the drug trade is not the only kind that has decreased over the past few years; young people have reduced their involvement in a broad range of serious offenses, even in neighborhoods where crack cocaine has been virtually absent, and in types of illegal activities unrelated to either illicit drug use or firearms. For example, hate crimes—usually committed by young people—have declined, too. For the year 1997, the FBI recorded an unprecedented decrease nationwide in assaults, threats, harassment, and vandalism based on hate or bias. And according to the Anti-Defamation League, 1997 marked a continuation of a three-year decline in anti-Semitic hate incidents, including those on college campuses, following a protracted period of increase through the 1980s and early 1990s.

Consider another example. Sociologist Benjamin Steiner and I studied urban riots in which young people, in groups of 50 or more, looted, damaged property, and/or caused personal injury. We discovered that the number of such acts in schools, at concerts, or on the streets of cities around the nation fell from 23 in 1990-91 to only 9 in the years 1996-97. Moreover, most of the recent riots we documented could be regarded not as collective expressions of unbridled emotion, but as instrumental and rational acts of protest precipitated by a specific episode—for example, a perceived act of racism, an apparently unjustified arrest by the police, or budget cutbacks with a major impact on a certain group. In other words, even those few riots were not, for the most part, acts of senseless violence.

School violence is also in decline. Notwithstanding several highly publicized cases, the American Association of School Administrators reports that violent deaths in schools nationwide fell last year by some 30 percent. Looking specifically at guns, according to a study conducted by the Department of Education, the number of school shooting deaths around the country decreased during 1997-1998, in com-

parison to the rate five years earlier—55 shot and killed in 1992-93 versus 40 in 1997-98. Even in the wake of the mass murder at Columbine High School in Littleton, Colorado, the downward trend may well continue through 1999.

Finally, even non-lethal forms of violence committed by juveniles have dropped substantially in recent years. After climbing to almost 1,400,000 cases in 1994, simple assaults—which by definition do not involve the use of any weapon including firearms—declined in only two years to less than 800,000.

Structure, Hope—and Money

The depth and breadth of the recent turnaround in teenage crime beg for an explanation that includes, but goes beyond, crack and guns. In urban centers across the country, residents are reestablishing a sense of community as they begin to recognize that they can make a difference in the lives of local youth. At the grass-roots level, parents, teachers, psychologists, religious and business leaders, social workers, college students, and the police are working together to repair the moral, social, and economic damage done to young people over the last 20 years and to take the glamour out of destructive behavior. Through a myriad of new programs, adults are giving children and teenagers—but especially teenagers—what they have lacked for more than two decades: more supervision, structure, guidance, and hope for the future.

Local schools have been at the center of effective community efforts to reverse the scourge of teenage violence, often taking on responsibilities that previously were performed by the family. High school principals have increasingly adopted a zero-tolerance policy regarding students who carry firearms to school, making classrooms safer from the threat of gun violence. During the 1996-97 school year, there were an incredible 6,093 expulsions in schools around the country. In addition, by means of effective conflict resolution programs built into the curriculum, many local schools are now teaching their students what parents used to teach: to have empathy for victims, to control their anger, and to manage their impulsive behavior. Finally, schools are providing what is lacking after the school day ends—adult supervision, guidance, and control. No wonder, then,

that for most of our children and teenagers, the school hours are by far the safest hours of the day.

Schools are not the only local institutions that have stepped forward to fill guiding roles. Churches run athletic and gun-buy-back programs. Community policing places more officers in strategic positions in high-crime areas. Probation officers ride in patrol cars to keep an eye on youthful probationers. Local college students serve as mentors, tutors, and peer-mediators in neighborhood schools. Parents and teachers volunteer to supervise after-school programs in athletics, drama, and art. Local businesses generate more summer jobs, at least some of which lead to careers with the company. And more community centers open their doors to local teenagers.

In Boston, which is seen as a model in dealing with teenage crime, the murder count plummeted from 34 teen offenders in 1990 to only 3 in 1998. Over the same period, the city has seen a proliferation of programs geared toward at-risk teenagers. Among them: the Thousand Black Men Basketball Mentoring Program, Teen Empowerment, Gang Peace, the Ten Point Coalition of urban ministers, the Boston Private Industry Council, Choice Through Education, Summer of Opportunity, the Street Workers Program, Youth Violence Strike Force, Tobin Scholars' Program—the list goes on.

The “wake-up call” for Boston’s community leaders came during a funeral service in 1992 at the Morning Star Baptist Church. As a crowd of mourners looked on in horror, a gang of local youngsters chased another teenager into the church, where they repeatedly stabbed him into submission. Shocked by this crime, a group of local Boston ministers decided it was time to act. Rather than wait for troubled youngsters to come to their churches, they decided to take their congregations to the streets and the gangs, working with the police to identify the most recalcitrant young offenders and to provide alternative programs for those teenagers whose lives could be turned around.

Boston’s attack on juvenile violence has been multifaceted, emphasizing prevention, tough and effective law enforcement, as well as the formation of partnerships with local residents. The community policing effort has increased communication between police and

neighborhood youngsters. Moreover, perhaps taking their cue from Boston's churches, other local institutions—businesses, government, universities, schools, police, and parents—were suddenly more willing to get involved in the lives of youths. The juvenile crime rate in Boston finally began to reverse direction.

Not all localities have been as successful. While cities such as Boston and New York have enjoyed great success fighting crime by youth and bringing down the murder rate, other cities—New Orleans, Detroit, and Baltimore, among them—have fared less well. They have a greater share of poverty, lack sufficient resources for law enforcement, and citizens there tend to regard crime as out of control and beyond grass-roots intervention.

New Orleans, for example, has a population close to that of Boston. But its median household income is \$18,000, just more than half of Boston's \$30,000. New Orleans police patrol the streets with 1,302 officers, about half the number that Boston has. And New Orleans's murder rate—though improving somewhat from the early 1990s—last year was seven times greater than Boston's.

In Baltimore, where the body count has exceeded 300 for nine years running, widespread poverty prevents companies in the city from generating enough summer jobs to keep most local teenagers busy. In contrast, thanks to a combination of public and private contributions, Boston generates more than 10,000 summer jobs for teenagers, more than twice Baltimore's total.

Similarly, Detroit and New Orleans simply cannot afford to support the range of after-school programs which would give their teenagers healthy alternatives to violence between the hours of 2 p.m. and 7 p.m. during the school year. Moreover, when youngsters in these two cities get expelled for carrying a weapon to school, they are likely to be found walking the streets unsupervised. By contrast, when violent students in Boston are expelled, they are likely to be referred to the Public Schools Counseling and Intervention Center, an alternative school which last year alone worked with almost 6,000 youths.

While youth antiviolence efforts are a bargain, they are not free. Without sustained commitment, and without adequate resources for

civic programs for youths in cities and towns around the country, the cultural revolution will leave too many young people behind. This is the challenge we face in the years ahead.

Rebuilding Communities from Within

E. J. Dionne Jr.

The park behind Benning Terrace, a housing project in Southeast Washington, was once a place where anyone who dared enter risked being shot. The graffiti, said David Gilmore, the receiver of the D.C. Housing Authority, once read: “You are now entering a war zone.” So why were hundreds of kids gathered there amid a sea of red and yellow balloons dancing to music? Why had the same young people scurried around earlier to paint houses, plant flowers, help seniors do their spring cleaning, and build a brand new playground?

A peaceful revolution is taking place all over the country. It is a revolution against cynicism, despair, and selfishness. The celebration in the park at Benning Terrace—and the hard work that preceded it—was organized by City Year, a group that has put thousands of teen and twentysomething volunteers into neighborhoods around the country to do simple but fundamental work rebuilding communities, and community. Ah, middle-class do-goodism, you say dismissively. Nope. A large share of the volunteer force on that sunny day came right out of the neighborhood, kids with a powerful stake in the planting, building, and painting.

The work of reclaiming Benning Terrace was begun long before by local groups, among them the Alliance of Concerned Men. Many in the alliance are ex-offenders who want to save kids from going the same way. A couple of years ago, in the very place we were standing, “the kids weren’t coming out playing, the women weren’t on the street, the elderly weren’t sitting on the porches,” said Tyrone Parker, a founder of the alliance. “What you’re seeing today is what could occur if you give it the opportunity to happen,” he said proudly. “This

is an expression of communities coming together, including outside communities, committed to people as a whole—all different nationalities and races.”

Two large forces are at work in the country creating this change for the better. One is neighborhood activism. The other is community service, done by dedicated young people—many of them receiving modest stipends from the federal government’s AmeriCorps program—willing to spend a year or more making a small piece of the world better. We praise entrepreneurs these days. Here are social entrepreneurs, some of whom gathered around a wooden table in the park to tell their stories.

Jason Pendrock, 19, works on a City Year project in Philadelphia called the Greater Philadelphia Book Bank. It collects volumes that would otherwise be thrown out or shredded and gives them away. The books go to children, to church libraries, and to teachers who pass them on to students. The group, Pendrock said, has collected and warehoused 2 million volumes. Move over, Amazon.com.

Nobody is too young to serve. Twelve-year-old Edwin Santiago, who goes to the Roberto Clemente Middle School in North Philadelphia, did not like the condition of his neighborhood. So he joined a City Year project. “We sweep the streets and plant some stuff,” he said. “I just felt like helping people and just started to do it.”

Nikki Tabron, 22, worked in an after-school program at the Boys and Girls Club in Columbia, South Carolina, mentoring kids and getting them to do their homework. Caring about somebody actually works. “They know we’re proud when they’re doing their homework,” she said. And forget about those expensive sensitivity training consultants. You want to heal racial divisions? Get people to work together. “I’ve seen gang members join the corps,” Tabron said, using the Marine terminology City Year volunteers prize, “who didn’t like people of different colors.” Their racial animosities went away, she said, after a year of labor in a common endeavor.

“There are very few places in America where people come together across racial lines,” said Michael Brown, a founder of City Year, and national service is one of those few. Robert Lewis Jr., Boston City Year’s executive director, carries memories of a grandfather

killed by the Ku Klux Klan. “I wanted to be part of something that united people and didn’t divide people.”

After the Columbine High School tragedy, said Alan Khazei, City Year’s other founder, “the whole country has been wringing its hands about what we should do for young people.” The answer, he argues, is already there, and it lies in promoting service. “Everyone is saying: ‘What do we do for our children?’” says Brown. “It’s time we ask something from our children.” What kids crave is responsibility and a sense of power, he says. It is not at all paradoxical that they gain both by serving others.

ESSAYS

Identity Politics and the Liberalism of Difference: Missing the Big Picture

Thomas Spragens Jr.

In recent years, a new variant of democratic theory has emerged, one that could be called the liberalism of difference. The central message of difference liberalism runs roughly as follows: The animating values of democracy are equality, freedom, and human dignity. A commitment to equality and dignity requires an even-handed respect for all forms of human life—for all identities—as being worthy and morally on a par. Attempts to make and to enforce evaluative hierarchies among the diverse forms of human existence constitute a political “privileging” that is both philosophically indefensible and morally illicit. These discriminatory distinctions are embedded in our language and then embodied in laws, institutions, and distributions of power. They use the cover of a perverse moralism to enshrine a particular version of identity and to impose it on others, derogating and oppressing them in the process. Despite our democratic rhetoric of toleration and equality, this pattern of oppression is fundamental to our own society, and it is displayed paradigmatically in Eurocentrism, patriarchy, and heterosexism. The central mission of genuine democratic governance in our time, therefore, is the elimination of these discriminatory hierarchies with a view toward giving equal status and empowerment to the historically marginalized and oppressed groups.

Viewed through the prism of the sociology of knowledge, the contrasts between the interest-oriented norms of more traditional egalitarianism and the identity-oriented norms endorsed by difference theorists are no doubt in part the product of different generational experiences. The perceptions and concerns that animate traditional egalitarianism grew out of the civil rights revolution and the War on Poverty. The perceptions and concerns animating difference liberals gestate out of the emergence of feminism, black power, and gay pride. Both traditional liberal egalitarians and difference liberals are devoted to easing the plight of those caught on the downside of prevailing social hierarchies. But “otherness” to traditional egalitarians tends to conjure up Michael Harrington’s “other America”: people shut out by structural poverty from full inclusion in the good life promised by democracy. In contrast, “the other” for difference liberals refers to those whose cultural identities—whether ethnic, gender-related, racial, or psychosexual—rendered them relative outcasts in post-World War II America. The seminal event for traditional egalitarians of this generation, one is inclined to say, was John Kennedy’s discovery of Appalachia; for the newer cultural egalitarians, it was the Stonewall rebellion.

Should Justice Be Blind?

One of the most interesting and widely read recent attempts by a political theorist to offer a constructive model of a democratic society centered about the dynamics of group identity and difference is Iris Young’s *Justice and the Politics of Difference*. Young argues that abstract and universalizing approaches to the definition of social justice—hallmarks of traditional liberal theory—are bound to be defective. Drawing upon her interpretation of critical theory, she “rejects as illusory the effort to construct a universal normative system insulated from a particular society.” Besides being illusory, the effort to conceive justice by “adopting an impersonal and impartial point of view” is in her view theoretically distortive and politically destructive. The “ideal of impartiality” is alleged to “express a logic of identity that seeks to reduce differences to unity,” to generate false and destructive binaries—e.g., between private and public, reason and passion—and to perform “ideological functions . . . masking the ways in which the particular perspectives of dominant groups claim universality,” thereby justifying hierarchical political structures. A theoretically

adequate and politically emancipatory theory of justice must, in contrast, be concrete and specific—explicitly situated within the particular and contingent realities of the social order in question.

Accordingly, Young argues, the tacitly individualist “social ontology” informing the traditional universal rights/distributive justice model needs to be jettisoned and replaced by an explicit social theory. This social theory, in turn, needs to center around the presence and functions of social groups and their structural relations with each other. A social group is defined as “a collective of persons differentiated . . . by cultural forms, practices, or way of life.” These social groups “constitute individuals” rather than vice versa, as the contract model of society suggests. And when examined from a vantage point that makes the situations of such groups focal, she contends, it turns out that “American society contains deep institutional injustices.” These injustices are best characterized as the oppression of groups, rather than as the morally arbitrary relative deprivation of individuals. And oppression, in turn, is specified as some combination of five structural features of a pluralistic society which give some groups a privileged or dominant position vis-à-vis other groups. These features, the subspecies and stigmata of oppression, are economic exploitation, social marginalization, political powerlessness, cultural imperialism, and outright violence.

Justice, therefore, becomes on this view a process of rectification. It is the specific righting of specific wrongs. Justice is not attained by the application of universal and impartial distributive criteria intended to, as Rawls has written, “mitigate the effects of natural accident and social circumstance.” Instead, it is the transformation of existing political institutions, social relationships, and cultural practices that lead to oppression. The goal is to establish an “egalitarian politics of difference” that operates on behalf of what Young, borrowing from Christine Littleton, calls an “acceptance model of equality.” Justice entails social equality, and social equality “refers primarily to the full participation and inclusion of everyone in a society’s major institutions, and the socially supported substantive opportunity for all to develop and exercise their capacities and realize their choices.” And for this to occur, Young insists, the “specific experience, culture, and social contributions” of all cultural identity groups must be not simply tolerated but “publicly affirmed and recognized.”

Democratic and socially just institutions should not, therefore—as in the popular depiction of a blindfolded justice holding her scales aloft—be blind to group differences. Precisely the contrary. A well-ordered democratic regime must instead be specifically and intensely group conscious. “A culturally pluralist democratic ideal,” Young argues, “supports group-conscious policies not only as means to the end of equality, but also as intrinsic to the ideal of social equality itself.” This explicit attention to group differences, and conscious promotion of the interests and identity of groups who qualify as oppressed, should take place in all the major social venues: group conscious rectification should shape the representative institutions of the *political system*, the content of *social policy*, the rules of *economic allocation*, and the norms of *cultural practices*.

The Political System. Democratic representative institutions should, on this model, employ “institutional mechanisms and public resources” to support: 1) the organization of groups in pursuit of their “collective empowerment”; 2) the generation of policy in institutionalized contexts where decision makers should be required to show that they have taken group perspectives into account; and 3) “group veto power regarding specific policies that affect a group directly.” It is not all groups that should be accorded group-specific representational entitlements of this sort, however: “the principle of group representation . . . calls for specific representation only of oppressed or disadvantaged groups.”

Young offers as models for emulation Jesse Jackson’s Rainbow Coalition, the National Women’s Studies Association, and the Sandinista regime in Nicaragua. She values the organizational principles of the Rainbow Coalition because “each of the constituent groups affirms the presence of the others as well as the specificity of their experience and perspective on social issues Ideally, a Rainbow Coalition affirms the presence and supports the claims of each of the oppressed groups or political movements constituting it, and arrives at a political program not by voicing some principles of unity that hide difference, but rather by allowing each constituency to analyze economic and social issues from the perspective of its experience.” The virtue of the National Women’s Studies Association governance model is that it “has a complex and effective system of representation for group caucuses in its decision-making bodies.” Sandinista

Nicaragua appeals to her because of its “experiments with institutionalized self-organization among women, indigenous peoples, workers, peasants, and students.”

Social Policy. In the realm of social policy, Young argues against what she calls “the assimilationist ideal” of “treating everyone according to the same principles, rules, and standards.” Instead of this illusory and unfair standard of impartiality, she advocates “special treatment to groups.” For example, laws and practices relating to pregnancy and birth need not be folded into gender-neutral leave policies; linguistic minorities should be supported in their desire “to maintain their specific culture and speak their language and still receive the benefits of citizenship, such as voting rights, decent education, and job opportunities”; and American Indian groups should retain special rights and autonomy that cannot be “altered or eliminated” by government decree, while maintaining at the same time rights “to full participation and inclusion in the polity.”

Economic Allocations. In Young’s view, economic allocations in a democratic society should be politically determined much more than is now the case. Here, as elsewhere, it seems to be the welfare of the putatively oppressed that is key to her prescriptions. Allocations of scarce desirable jobs or places in selective institutions in accord with assessed “merit” have not resulted in the proportional success of all groups. And the determination of salary levels and job tasks by market mechanisms has likewise produced identifiable differentials among groups. Young therefore argues that “merit” is mostly a myth.

Hence, whereas “the ideology of merit seeks to depoliticize the establishment of criteria and standards for allocating positions and awarding benefits,” in fact merit evaluation is always political; and therefore “decisions that establish and apply criteria of qualification should be made democratically.” The result: “No longer need affirmative action be seen as an exception to the otherwise operative principle of nondiscrimination. Instead, it becomes one of many group-conscious policies instrumental in undermining oppression.” Young also embraces “comparable worth” policies that would require setting salary scales by applying a standard of “equal pay for work of comparable worth.” (However, it is not made clear how the untenability of claims to be able to assess “merit” in an objective way is compatible with the claim of comparable worth advocates that it is

possible to provide an objective measure of the relative worth of different skills, abilities, and job conditions.)

Cultural Practices. Finally, the egalitarian politics of difference is deemed to support and require the “politicization of culture.” The line between the public and private realms is to be attenuated or abolished, and any cultural “practices, habits, attitudes, compartments, images, symbols, and so on” that “contribute to social domination and group oppression” are to become “the subject of public discussion and explicitly matters of choice and decision.” Indeed, Young insists that “no social practices or activities should be excluded as improper subjects for public discussion, expression, or collective choice.” These collective choices should be given the full force of law, moreover, to mandate the avoidance of even “unconscious and unintended actions” that “contribute to the disadvantage” of oppressed groups. Such mandates can include judicially imposed “forward-looking remedies” and the use of sexual harassment rules to discipline males who behave in ways “that women collectively judge annoying, humiliating, or coercive.”

Assuring Conformity and Conflict

Any assessment of difference liberalism should begin with the happy and forthright acknowledgment that the cultural and social transformations providing the background for Young’s work have been important and beneficial changes consonant with the spirit of both liberalism and democracy. These transformations have concerned the status and role of racial minorities, women, and gays and lesbians. The civil rights revolution that eliminated *de jure* racial segregation and discrimination removed what had always been the greatest moral anomaly within American democratic practices. A transformation of social conventions governing gender roles, produced by a combination of moral convictions and technological advances that rendered many aspects of traditional gender roles obsolete, has given women of this generation a whole range of new opportunities largely unavailable to their mothers and grandmothers. And although homosexuality is not accepted in all quarters as morally or socially unproblematic, the stigmatization and persecution that gays and lesbians faced a generation ago have been greatly attenuated and in some locales virtually eliminated. Future historians will, no

doubt, regard these changes as one of the remarkable and defining features of the last half of 20th-century America. And any democratic vision that does not recognize these changes as important and welcome aspects of social democratization in their movement toward inclusiveness, tolerance, equality, and opportunity must be regarded as highly suspect. It is the great virtue of multicultural egalitarianism and identity politics that they recognize and embrace these social changes as highly important advances in democratic practice.

It is another thing entirely, however, to fashion and promote an ideal of democratic institutions and policies driven by the desire to consolidate these social changes and to give them juridical form. Turning democratic politics into a normative politics of group identity creates serious distortions and carries significant costs. Careful reflection on Young's recommendations and some of their implications and likely consequences, I would argue, brings some of these difficulties into relief.

The politics of identity starts from the recognition that selves are neither created nor defined apart from social relations with other selves. Who and what people are, their identities, are constituted by the social groups they inhabit and by the roles they play within these groups. This recognition represents a helpful correction to mistakes arising from taking the individualistic abstractions and norms of classical liberal contract theory too literally. So far, so good.

The problem arises from the interpretation that advocates of identity politics give to these dynamics of identity formation and group membership. In the first place, identity formation is conceived as a form of social imprinting, as it were, in which the self passively receives rather than dialectically interacts with his or her social environment. An identity is "how I am recognized rather than what I choose, want, or consent to." Second, the defining features of an identity are conceived—consistent with this passive recipient imagery, perhaps—as a concatenation of the external accidents of one's being. My identity is the aggregate total of whether I am male or female, black/brown/yellow/red/white, hetero or homosexual, and so on. Lastly, the specific accidents or "socially recognized differences" deemed crucial are those that center around race, gender, and sexual orientation. Those other group memberships that are more particular, more universal, or more voluntary are somehow deemed

subordinate or even inconsequential. An identity, then, becomes something that is passively received, externally defined, and tied specifically to one's putative "membership" in certain intermediate-level social groups that are deemed most salient and significant.

This account of identity formation is empirically quite suspect. But it may be that it is more a matter of definition governed by a political agenda than it is an empirical theory. In any event, conceiving identity in this fashion and giving it normative force carries significant social and moral costs. It is constraining to individuals, divisive for the larger society, and impoverishing to both. The analytical perspective behind Young's politics reifies group stereotypes, and the organization of democratic politics around group caucuses entrenches them institutionally. Group identification turns into a straight-jacket forced upon people who would and should possess more complex, capacious, and idiosyncratic identities and more varied and flexible modes of political activity. Society is conceived and organized as a collage of different and competing teams, and woe betide anyone who won't wear a uniform. Multicultural democracy on this account is a kind of "estates' rights" system, with identity groups as the constitutive estates. And it imposes the same costs on the larger society and on local minorities as "states' rights" did. The larger, more inclusive national community loses coherence and authority. And individuals are dominated by the local majorities who can dictate the terms of membership to them.

In Young's democracy, social solidarity and a sense of common purpose are effectively confined within social groups. The only broader social solidarity she has a place for is that of the "rainbow coalition" variety, in which various groups affirm each other and cooperate politically on the basis of their status as oppressed. She laments that the "promise" of the Jesse Jackson Rainbow Coalition campaign "has not been fulfilled." But she fails to understand that the narcissistic particularism engendered by preoccupation with group identity militates against such success. She imagines that putatively similar experiences of oppression will create social bonds, without realizing that if all that matters to me and my self-realization occurs within the bounds of my particular social group, then the only thing that matters to me politically will be the relief of my own group's oppression. Indeed, to the very extent that other groups are instrumentalities of

other identities and ways of life, they must be seen ultimately by their very existence as being contributory to my oppression—whether or not they themselves are oppressed by some third party. As a dedicated feminist convinced of her own subjection to oppressive forces, Young may empathize with other groups she adjudges to be somewhat similarly oppressed. But the logic of her social psychology and her politics provides little sustenance for making common cause across the lines of difference she hypostatizes.

The subjection of individuals by local majorities within groups is another source of concern. As Roberto Alejandro aptly observes, “In Young’s views, as in the Anti-federalists, the principle of difference does not refer to the identity which the group makes possible. That identity, apparently, should not be challenged. . . . Within the group, the values of ‘group specificity’ and ‘cultural pride’ may require the same uniformity which is not deemed acceptable for society as a whole.” The result of what styles itself as a politics of difference is, paradoxically enough, an institutionalized bias toward cookie-cutter individuals who conform unproblematically to stylized group identities. Those who do not so conform are subjected to social ostracism and—as long as caucus decision making is the rule—to political homelessness.

Thus the practical effect of the politics of identity is actually to suppress rather than to encourage human diversity. The wonderful array of human characters that Walt Whitman depicted and delighted in as the culmination of democracy is nowhere in sight. The “fullness of life” John Stuart Mill held up as the promise of liberal society is diminished rather than enhanced. Genuine human diversity is compressed into its grotesque simulacrum: the reified psychological artifacts of a group nationalism that bleeds the public interest and herds individuals into politically sanctioned corrals.

Toleration, Affirmation, and Political Naïveté

The insistence of the politics of identity upon effacing or obliterating the line between public and private also is problematic. True, “the personal is political” in the sense that politically constructed institutions and practices shape personal identities and can generate personal problems, and also in the sense that the expression of personal identity can be impeded by politically established norms, prac-

tices, and institutions. It is true, moreover, that the line between the public and private realms is neither immutable nor set in accordance with some transcendent or objective standard. Therefore, it is both likely and proper that the specific placement and operations of this dividing line be contestable and contested. Nevertheless, so long as a society is inhabited by people with different morals and religious beliefs, maintaining a protected “private” space in which the ways of life predicated upon these competing beliefs can be freely and safely pursued is both morally proper and prudentially necessary. A protected private space accords freedom and dignity to the adherents of different lifestyles, and it simultaneously removes from public determination issues that would be sharply divisive were they necessary to decide by majoritarian mandate.

An attempt to efface the line between the public and private domains is particularly ill-advised, one might add, for minority groups, since they would be the losers if all behavioral norms were set and enforced by public majorities. However, Young and other advocates of identity politics wind up pushing in this direction by investing matters of personal (group) identity with public significance and by demanding (as essential to not being oppressed) not simply toleration—which is deemed to be grudging and “demeaning”—but “affirmation and recognition.” The central difficulty here is that while it may seem benign, enlightened, and morally uplifting to insist that every aspect of everyone’s identity be “publicly affirmed and recognized,” as long as a society encompasses a variety of different and in some respects mutually antagonistic ways of life and moral commitments (imagine the conflict between a devout Muslim and a connoisseur of pork), such a demand is not merely unrealistic but morally improper. Given the political limitations endemic to moral pluralism, in fact, such a demand is in a sense self-contradictory. To demand that you “affirm” my identity, when that identity may inextricably incorporate behavior that the premises underlying your identity construe as immoral, is to demand that you effectively renounce your own identity. Like it or not, your toleration is the most I can reasonably expect and the most I can properly demand.

The expansive interpretation of oppression provided by Young also creates serious difficulties for her democratic ideal. Because democracy demands justice and because justice consists in the relief

from oppression, Young's very capacious definition of that term generates some rather odd moral claims, particularly in the questionably extensive obligations it imposes on the non-oppressed. It follows from Young's argument, for example, that if I choose to move my family to Spain and we are allowed residence there, yet we wish to retain our language and our American cultural identity, we thereby may be deemed "marginalized" victims of "cultural imperialism" and hence qualify as an oppressed group. It then would become morally incumbent upon the Spaniards to undertake strenuous efforts to make our decision to hold on to our language and culture a costless one to us. We would be entitled to demand of the regime that it "ensure the possibility of [our] full inclusion and participation . . . in all society's institutions and at the same time preserve and affirm [our] group-specific identity." Should the Spaniards balk at these demands, they seemingly would become guilty of imposing "an assimilationist ideal" that "amounts to genocide."

Because the distributive advantages, in terms of both resources and power, are so substantial for those who can gain official designation as oppressed, it becomes a serious question as to how exactly those designations are to be made. Young recognizes the problem, but gives no very useful response to it, calling it "a paradox of political origins . . . which no philosophical argument can resolve." She offers only the rather lame and politically anesthetized suggestion that groups seeking the advantages conferred by being officially recognized as oppressed will "have to petition with arguments that may or may not be persuasive." This is, to put it mildly, a rather romanticized description of the contentious battling that her scheme and its determinative criteria make almost mandatory, as various groups scramble for comparative advantage in the political spoils system she sets up.

All the incentives are there for the emergence of an "oppression sweepstakes," in which the advocates for various groups jockey rhetorically and tactically for the status of most oppressed group. The model for this rather unseemly and counterproductive form of political squabbling, perhaps, appeared recently in my university's school newspaper. In respective letters to the editor, two students, one black and one Jewish, quarreled bitterly over the relative degrees of oppression and suffering endured by their group forebears. The black student practically quivered with indignation as she sought to downplay

the enormity of the Holocaust, an event that paled in significance in her view by comparison with the Middle Passage endured by slaves being shipped to the New World. This polemical donnybrook—between two students in an elite university who, by any reasonable standard, have to be counted among the most fortunate and privileged members of the human race—was profoundly dispiriting. But it was a perfectly logical consequence of the distributive criteria enjoined upon us by Young. In her ideal democracy, to turn an old adage on its head, “to the (officially designated) victims go the spoils.”

Finding a Better Model of Diversity?

Considered *in toto* as a democratic ideal, then, the identity group caucus version of the egalitarian politics of difference has genuine virtues but also serious flaws. The principal virtue of the model is its dedication to a politics and a culture of inclusiveness and generosity. It insists, both properly in moral terms and prudently in political terms, that all of the diverse cultural groups that make up a pluralist democracy should have a place within its public life and its decision-making process. Also welcome and important is Young’s insistence that mechanisms be in place that allow all voices to be heard in the public deliberations that shape the formulation of a democratic society’s purposes and policies.

The specific institutional incarnation that Young gives to these admirable goals, however, has a number of serious costs and dangers. First, her whole scheme hinges on a specific standard of substantive justice that—like all such standards—is both reasonably contestable and actually contested. In her case, justice is effectively defined as the absence of oppression—using Young’s highly contestable abstract definition of the term and her equally contestable concrete applications. Young tends to accept claims of oppression quite uncritically. As a veteran of feminist discussions and campaigns, for example, she seems to accept allegations about oppression from that quarter—such as the claim that the nuclear family is “patriarchal” and that “the norms of heterosexuality are oriented around male pleasure”—as though they were epistemically on a par with “water freezes at 32 degrees Fahrenheit.” The point here is not whether these claims are warranted or unwarranted. The point is that the standards of justice hinge around the answers given to highly contestable questions about

what counts as oppression, both in general and in particular cases. Absent widespread agreement on these issues and absent some clear and objective standards for adjudicating them, Young's democratic ideal leads *de facto* to the imposition by the winning political coalition of its version of justice upon the losers. As a true believer in the moral verity of a particular notion of justice, Young would take that outcome—the electoral success of her rainbow coalition?—as virtue triumphant. Others more skeptical about the moral and epistemic standing of definitive claims about social justice would be more inclined to see the outcome largely as the victory of an alternative coalition of interests.

The unwarranted moral certitude displayed by Young is doubly unsettling because of the alacrity with which she endorses highly coercive and intrusive measures to enforce her own preferred perceptions and distributions. For example, she is an enthusiastic exponent of mandatory “consciousness-raising workshops for male managers and other male employees” and other therapeutic interventions. (It is remarkable how many social reformers who like to deploy Foucault's insights about domination when interpreting liberal society become such enthusiastic therapists themselves when they get the chance.) And she wants courts to issue “forward-looking remedies of institutions” to prohibit even “unconscious and unintended actions” that could be alleged to contribute to the disadvantage of the oppressed. For all the talk about democracy and persuasion, advocates of the politics of difference seem happy to lean on the most undemocratic institutions in society to promote and enforce their desired ends.

Finally, Young's ideal creates a polity centered around specific partial associations (Rousseau's phrase) or factions (Madison's term). Centering the democratic political process around these officially recognized and empowered groups—some of which are designated as oppressed and thereby turned into vehicles of social preferment for their members—heightens the social divisions that are always a threat to pluralist societies. Young's democracy is all *pluribus* and no *unum*, an idealized Bosnia without (as yet) (organized) gunfire. Once the romantic gloss is rubbed off her envisioned “egalitarian politics of difference,” it looks remarkably similar to many of today's college campuses: students encouraged by their culturally hypersensitive faculty and counselors and lobbied by their peers to huddle into explicitly defined and recognized identity groups fragmented by

race, gender, and sexual orientation, who then sally forth to complain and preen and quarrel with each other or to demand something from the administration. All in all, it is a scene more dispiriting than inspiring; and it induces the conviction that we ought to be able to find better ways than this to be inclusive and to celebrate our pluralism. When it comes to envisioning the way diversity enriches democracy, Whitman and Mill are better prophets—even if their visions need to be adapted to the constraints and possibilities of the 21st century—than are the exponents of an institutionalized politics of group difference.

Beyond the Nation-State

Václav Havel

The following is from the text of a speech given by Mr. Havel, president of the Czech Republic, to the Canadian Senate and House of Commons on April 29.

There is every indication that the glory of the nation-state, as a climax of the history of every national community and the highest earthly value—in fact the only one in whose name it is permissible to kill or for which it is worth dying—is already past its culminating point. It seems that the enlightened endeavors of generations of democrats, the horrible experience of two world wars (which contributed substantially to the adoption of the Universal Declaration of Human Rights), as well as the overall development of our civilization, are gradually bringing the human race to the realization that a human being is more important than a state.

The idol of state sovereignty must inevitably dissolve in a world that connects people, regardless of borders, through millions of links of integration ranging from trade, finance, and property, up to information—links that impart a variety of universal notions and cultural patterns. Furthermore, it is a world in which danger to some has an immediate bearing on all; in which, for many reasons, especially because of the massive advancement of science and technology, our fates are merged together into one single destiny; and in which we all, whether we like it or not, suffer responsibility for everything that occurs. It is obvious that in such a world, blind love for one's own state—a love that does not recognize anything above itself, finds excuses for any action of the state simply because it is one's own state, and rejects anything else simply because it is different—inevitably turns into a dangerous anachronism, a hotbed of conflicts, and, eventually, a source of immeasurable human suffering.

I believe that in the coming century most states will begin to transform from cult-like objects, which are charged with emotional contents, into much simpler and more civil administrative units, which will be less powerful and, especially, more rational, and will constitute merely one of the levels in a complex and stratified planetary societal self-organization. This change, among other things, should gradually antiquate the idea of non-intervention—that is, the concept of saying that what happens in another state, or the measure of respect for human rights there, is none of our business.

From Local Communities to Continents

Who will take over the various functions that are now performed by the state?

Let us first speak about the emotional functions. These, I believe, will begin to be distributed more equally amongst all the various spheres that make up human identity, or in which human beings exercise their existence. By this I mean the various layers of that which we perceive as our home or our natural world: our family, our company, our village or town, our region, our profession, our church or our association, as well as our continent and, finally, our Earth, the planet which we inhabit. All this constitutes the various environments of our self-identification; and if the bond to one's own state, hypertrophied until now, is to be weakened, it must necessarily be to the benefit of all these other environments.

As for the practical responsibilities and the jurisdictions of the state, these can go in only two directions: downward or upward. Downward applies to the various organs and structures of civil society to which the state should gradually transfer many of the tasks it now performs itself. Upward applies to various regional, transnational or global communities or organizations. This transfer of functions has already begun. In some areas it has progressed quite far; in others, less so. However, it is obvious that the trend of development must, for many different reasons, go along this path.

If modern democratic states are usually defined by such characteristics as respect for human rights and liberties, equality of citizens, the rule of law, and civil society, then the manner of existence toward which humankind will move from here, or toward which humankind

should move in the interest of its own preservation, will probably be characterized by a universal or global respect for human rights, a universal equality of citizens, a universal rule of law, and a global civil society.

One of the greatest problems that accompanied the formation of nation-states was their geographical delimitation, that is, the definition of their boundaries. Innumerable factors—ethnic, historical, and cultural considerations, geological elements, power interests, as well as the overall state of civilization—have played a role here. The creation of larger regional or transnational communities will sometimes be afflicted with the same problem; to some extent, this burden will possibly be inherited from the very nation-states that enter into such entities. We should do everything in our power to ensure that this self-definition process will not be as painful as was the case when nation-states were formed.

Allow me to give you one example. Canada and the Czech Republic are now allies as members of the same defense association, the North Atlantic Alliance. This is a result of a process of historic importance—NATO's enlargement with the states of Central and Eastern Europe. The significance of this process stems from the fact that this is the first truly serious and historically irreversible step to break down the Iron Curtain and to abolish, in real terms and not just verbally, the Yalta agreement.

This enlargement, as we all know, was far from easy and has become a reality only ten years after the bipolar division of the world came to an end. One of the reasons why progress was so difficult was the opposition on the part of the Russian Federation; they asked, uncomprehendingly and worriedly, why the West was enlarging and moving closer to Russia without taking Russia itself in its embrace. This attitude, if I disregard all other motives for the moment, reveals one very interesting element: an uncertainty about where the beginning is, and where the end is, of that which might be called the world of Russia, or the East. When NATO offers Russia its hand in partnership, it does so on the assumption that there are two large and equal entities: the Euro-Atlantic world and a vast Euro-Asian power. These two entities can, and must, extend their hands to each other and cooperate; this is in the interest of the whole world. But they can do

this only when they are conscious of their own identities; in other words, when they know where each of them begins and ends. Russia has had some difficulty with that in its entire history, and it is obviously carrying this problem with it into the present world in which the question of delimitation is no longer about nation-states but about regions or spheres of culture and civilization. Yes, Russia has a thousand things that link it with the Euro-Atlantic world or the so-called West; but it also has a thousand things which differ from the West, just like Latin America, Africa, the Far East, or other regions or continents of today's world.

The fact that these worlds, or parts of the world, differ from one another does not mean that some are more worthy than others. They are all equal. They are only different in certain ways, but being different is not a disgrace. Russia, on the one hand, deems it very important to be seen as an entity of the moment, an entity which deserves special treatment—that is, as a global power. But at the same time it is uncomfortable with being perceived as an independent entity that can hardly be part of another entity.

Russia is becoming accustomed to the enlargement of the Alliance; one day it will become acclimated to it completely. Let us just hope that this will not be merely an example of Engels's "recognition of necessity," but an expression of a new, more profound self-understanding. Just as others must learn to redefine themselves in the new multicultural and multipolar environment, Russia must learn to also. This means not only that it cannot forever substitute megalomania or simply self-love for natural self-confidence, but also that it must recognize where it begins and where it ends. For example, the huge Siberia with its vast natural resources is Russia, but the tiny Estonia is not Russia and never will be. If Estonia feels that it belongs to the world represented by the North Atlantic Alliance or the European Union, this must be understood and respected and it should not be seen as an expression of enmity.

With this example I would like to illustrate the following. The world of the 21st century, provided that humankind withstands all the dangers that it is preparing for itself, will be a world of an ever closer cooperation on a footing of equality among larger and mostly transnational bodies that will sometimes cover whole continents. In

order that the world can be like this, individual entities, cultures, or spheres of civilization must clearly recognize their own identities, understand what makes them different from others, and accept the fact that such otherness is not a handicap but a singular contribution to the global wealth of the human race. Of course, the same must be recognized also by those who, on the contrary, have the inclination to regard their otherness as a reason for feeling superior.

Global Forums and Universal Principles

One of the most important organizations in which all states, as well as major transnational entities, meet as equals for debate and make many important decisions which affect the whole world is the United Nations. I believe that if the United Nations is to successfully perform the tasks to be imposed on it by the next century it must undergo a substantial reform.

The Security Council, the most important organ of the United Nations, can no longer remain as it was at the time the organization first came into being. Instead it must equitably mirror the multipolar world of today. We must reflect on whether it is indispensable that one state, even if only theoretically, could outvote the rest of the world. We must consider the question of which great, strong, and numerous nations do not have permanent representation in that body. We must think about the pattern of rotation of the non-permanent members and a number of other things.

We must make the entire vast structure of the United Nations less bureaucratic and more effective.

We must deliberate on how to achieve real flexibility in the decision making of UN bodies, particularly of its plenary.

Most important, I believe we should ensure that all the inhabitants of our earth regard the United Nations as an organization that is truly theirs, not just as a club of governments. What matters is what the United Nations can accomplish for the people of this planet, not what it does for individual states as states. Therefore, changes should probably be made in the procedures for financing the organization, as well as in the procedures for acting upon and enforcing its various declarations.

This is not a matter of abolishing the powers of states and establishing some kind of a giant global state instead. The point is that everything should not always flow, forever, solely through the hands of states or their governments. It is in the interest of humanity—of human rights and liberties as well as of life in general—that there be more than one channel through which the decisions of planetary leadership flow to the citizens and through which the citizens' will reaches the planetary leaders. More channels mean more balance and a wider mutual scrutiny.

I hope it is evident that I am not fighting here against the institution of the state as such. It would, for that matter, be rather absurd if the head of a state addressing the representative bodies of another state pleaded that states should be abolished. I am talking about something else. I am talking about the fact that there is a value that ranks higher than the state. This value is humanity. The state, as is well known, is here to serve the people, not the other way around. If a person serves his or her state, such service should go only as far as is necessary for the state to do a good service to all its citizens. Human rights rank above the rights of states. Human liberties constitute a higher value than state sovereignty. In terms of international law, the provisions that protect the unique human being should take precedence over the provisions that protect the state.

Principles over Interests

If in the world of today our fates are merged into one single destiny, and if every one of us is responsible for the future of all, nobody, not even the state, should be allowed to restrict the rights of the people to exercise this responsibility. I think that the foreign policies of individual states should gradually sever the category that has until now most often constituted their axis: the category of “interests” (or “our national interests” or “the foreign policy interests of our state”). The category of “interests” tends to divide rather than to bring us together. It is true that each of us has some specific interests. This is entirely natural and there is no reason why we should abandon our legitimate concerns. But there is something that ranks higher than our interests: the principles we espouse.

Principles unite us rather than divide us. Moreover, they are the yardstick for measuring the legitimacy or illegitimacy of our interests.

I do not think it is valid when various state doctrines say that it is in the interest of the state to uphold such and such a principle. Principles must be respected and upheld for their own sake, so to speak, as a matter of principle, and interests should be derived from them. For example, it would not be right if I said that it is in the interest of the Czech Republic that there is an equitable peace in the world. I have to say something else: there must be an equitable peace in the world and the interests of the Czech Republic must be subordinated to that.

The Alliance of which both Canada and the Czech Republic are now members is waging a struggle against the genocidal regime of Slobodan Milosevic. It is neither an easy struggle nor a popular one, and there can be different opinions on its strategy and tactics. But no person of sound judgment can deny one thing: this is probably the first war ever fought that is not being fought in the name of interests but in the name of certain principles and values. If it is possible to say about a war that it is ethical, or that it is fought for ethical reasons, it is true of this war. Kosovo has no oil fields whose output might perhaps attract somebody's interest. No member country of the Alliance has any territorial claims there, and Milosevic is not threatening the territorial integrity of any NATO member.

Nevertheless, the Alliance is fighting. It is fighting in the name of human interest for the fate of other human beings. It is fighting because decent people cannot sit back and watch systematic, state-directed massacres of other people. Decent people simply cannot tolerate this and cannot fail to come to the rescue if a rescue action is within their power.

This war gives human rights precedence over the rights of states. The Federal Republic of Yugoslavia has been attacked without a direct UN mandate for the Alliance's action. But the Alliance has not acted out of license, aggressiveness, or disrespect for international law. On the contrary, it has acted out of respect for a law that ranks higher than the protection of the sovereignty of states. It has acted out of respect for the rights of humanity, as they are articulated by our conscience as well as by other instruments of international law.

I see this as an important precedent for the future. It has now been clearly stated that it is not permissible to slaughter people, to evict them from their homes, to maltreat them, and to deprive them of their

property. It has been demonstrated that human rights are indivisible and that if injustice is done to some, it is done to all. . . .

From Eternity to Here

Many times in the past I have pondered the question of why humanity has the prerogative to any rights at all. Inevitably, I have always come to the conclusion that human rights, human liberties, and human dignity have their deepest roots outside of this earthly world. They become what they are only because, under certain circumstances, they can mean to humanity a value that people, without being forced to, place higher than even their own lives. Thus, these notions have meaning only against the background of the infinite and of eternity. It is my profound conviction that the true worth of all our actions, whether or not they are in harmony with our conscience—the ambassador of eternity in our soul—is finally tested somewhere beyond our sight. If we did not sense this, or subconsciously surmise it, certain things could never get done.

Let me conclude my remarks on the state and on the role it will probably play in the future with the following statement: While the state is a human creation, humanity is a creation of God.

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The Evangelical Family Paradox: Conservative Rhetoric, Progressive Practice

W. Bradford Wilcox and John P. Bartkowski

Conventional wisdom suggests that evangelical Protestantism is a uniform force for reaction in American life. Indeed, the close ties between the political right and evangelical Protestants—i.e., Protestants who take a high view of the Bible and prioritize evangelism—gives some credence to this view. Pat Robertson, James Dobson, and Gary Bauer, all leaders of family ministries and political groups loosely associated with evangelicalism, make increasingly insistent demands on the Republican Party to stake out conservative stands on social issues. At the grassroots level, white evangelicals (who represent almost 20 percent of the population) have migrated at disproportionate levels to the Republican party, to the point where evangelicals are almost 50 percent more likely than other Americans to identify as Republicans.

Nowhere does this conservative bent seem more apparent than in the arena of the family, a subject of particular interest to communitarians. Turn on Christian radio and one is almost as likely to hear advice designed to shore up the “traditional” family as one is to hear the Gospel. This mass media effort is but one dimension of a powerful pastoral push to promote the traditional family, a push that took hold among evangelical Protestants in the 1970s, just as the Ozzie and Harriet ideal was cracking. Now, evangelical churches and ministries like the Promise Keepers produce a steady stream of sermons, books, and videos designed to help evangelical Protestants “focus on the family.”

The evangelical message appears uniformly conservative. Just last summer the Southern Baptist Convention, the largest denomination in the evangelical Protestant tradition, passed a resolution calling

on wives to “submit” to their husbands. Evangelical parenting experts, led by Dobson, president of Focus on the Family, are some of the culture’s most vociferous defenders of a traditional disciplinary childrearing style that incorporates corporal punishment. And more than 85 percent of evangelicals believe that “the husband should be the head of the family,” compared to 48 percent of all other Americans, according to the 1996 Pew-funded Religious Identity and Influence Survey.

The conservative family rhetoric and attitudes issuing from evangelical quarters has prompted a vigorous response from feminists and the mainstream media. Patricia Ireland, president of the National Organization of Women, accused the Promise Keepers of being “radical right religious activists” bent on keeping women in the “back seat.” Journalists Cokie and Steve Roberts suggested that the Southern Baptist position on marital submission “can clearly lead to abuse, both physical and emotional.” Evangelical leaders have responded in kind. For instance, Dobson recently wrote that “conservative Christians continue to lose ground in the great civil war of values . . . [as] the cultural elites . . . continue their campaign to marginalize and paralyze us.”

Actions Speak Louder than Words

Beyond the rhetorical volleys that characterize this elite-driven cultural conflict, however, the reality is that the family practices of evangelicals on the ground confound both the proscriptions of evangelical elites and the denunciations of left-leaning cultural elites. What we will call the “evangelical family paradox” is best summarized as follows: evangelical family practice does not match evangelical family rhetoric. When it comes to the *practice* of family life, evangelical men and women act in ways that parallel or are in fact more progressive than other Americans.

First, evangelicals approach the relationship between husband and wife in ways that largely mirror the practices of other Americans. Melinda Lundquist and Christian Smith, researchers at the University of North Carolina, find *no* difference between evangelicals and other Americans in marital decisions dealing with family finances, childrearing, and work decisions. Our own research indicates that

there are also no differences in patterns of male household labor—cooking, cleaning, and so on—between evangelical and other American couples. We also find, contrary to Cokie and Steve Roberts’s argument, no evidence that evangelical men are more likely to abuse their wives physically. The only two exceptions to this general pattern of evangelical marital similarity are (1) that evangelicals are more likely to report that husbands take the “lead in spiritual matters,” according to Lundquist and Smith and (2) that evangelical men *and* women are more likely to report higher levels of marital satisfaction than other Americans, according to our research. Thus, despite conservative gender role rhetoric and attitudes to the contrary, the day-to-day reality of evangelical marriages does not seem all that different from the lived experiences of other American couples.

Moreover, when it comes to parenting, evangelicals—especially evangelical men—are in many ways more progressive than other Americans. The single exception to this pattern is that evangelical parents spank their toddlers and preschoolers more often than other parents, according to a research team led by Christopher Ellison at the University of Texas. However, the kind of warm, expressive parenting style first pushed by Dr. Spock is also deeply entrenched in this subculture. We find that evangelical mothers praise and hug their children more often than do other mothers. More surprisingly, we also find that evangelical fathers are more likely to practice this kind of expressive parenting.

In fact, evangelical fathers are more involved with their children than other fathers. They have dinner with their children and volunteer for youth activities like soccer and Scouts more than other fathers. Evangelical fathers are also more amenable to doing their part to take up the inevitable supervisory tasks associated with school-aged children: they report monitoring their children’s chores, homework, and TV-watching regimen more closely than other fathers. And evangelical fathers are no more or less likely than other fathers to help out their wives with basic childcare tasks like feeding, clothing, and bathing preschoolers.

In many ways, then, evangelical men more closely resemble the iconic new father of the 1990s—the expressive, involved, egalitarian family man—than do other men. This development is particularly

surprising in light of an observation made by Ralph LaRossa, a sociologist at Georgia State:

Yes, fatherhood has changed if one looks at the culture of fatherhood—the ideologies surrounding men’s parenting. No, fatherhood has not changed (at least significantly), if one looks at the conduct of fatherhood—how fathers behave vis-à-vis their children.

LaRossa’s point is that even as men’s and women’s gender role attitudes have become markedly more progressive, the actual behavior of American fathers is not that different from the way that it was 20 or 30 years ago. So why is it that a religious culture that has championed gender role traditionalism is to a large degree leading the way in active male familial involvement, as well as in expressive parenting? In other words, what explains the evangelical family paradox?

The Pieces of the Puzzle

In part, the standard sociological explanations can help us unravel this puzzle. Duane Alwin at the University of Michigan has tied the erosion of distinctive patterns of childrearing and fertility among Catholics to their dramatic post-1950s socioeconomic mobility. Something similar is probably happening among evangelicals. For instance, from 1972 to 1994, the percentage of evangelicals who were college graduates more than doubled from 8 to 18 percent; over the same period, the percentage of evangelicals who were high-school dropouts fell from 44 to 18 percent. Thus, evangelicals may be more likely to encounter and adopt conventional middle-class family behavior regarding marriage and childrearing. This helps account for the fact that evangelicals are not very different from other Americans in their patterns of marital decision making, housework, and basic childcare. Still, socioeconomic mobility does not explain why evangelicals outpace their peers when it comes to expressive parenting and higher levels of paternal involvement—particularly since they remain slightly less educated and well-heeled than the average American.

The warm, expressive character of evangelical parenting appears, in part, to be an outgrowth of the increasingly therapeutic character of American evangelicalism more generally. From stadiums filled with Promise Keeper men weeping over their sins to mega-churches offer-

ing small groups for every imaginable emotional need, evangelical institutions have turned their attention in a dramatic way to the psychological well-being of their members. The expressive ethos produced in evangelical churches has undoubtedly carried over into the family, which helps to explain why mothers and fathers in this subculture are more likely to hug and praise their children.

However, the distinctive parenting style among evangelicals also seems related to the way they have connected notions of “divinely ordained” authority to family life. In sermons, books, small groups, and radio programs, evangelical institutions like Focus on the Family press the message that the family can be saved if parents exercise authority in a way that models the love of God. Moreover, fathers are expressly told that they have a crucial role to play in this regard. As one evangelical parenting expert said, “Is Dad necessary? You bet he is! He is part of a God-designed team and his teamwork is essential to the personal growth of his children.” This focus on the proper exercise of familial authority—including paternal authority, allied with the distinctively powerful social supports and controls at the disposal of evangelical churches—appears to be a critical factor in accounting for the progressive parental practices of evangelicals.

But why doesn't this powerful family focus translate into differences in the relationships between husbands and wives, given the conservative gender rhetoric and attitudes found among evangelicals? Part of the reason for this gap between culture and conduct can be attributed to the shifting ideal of authority in evangelicalism. In recent years, partly as a consequence of feminist pressures within and outside of the evangelical subculture, the ideal of male authority has evolved from one of “headship” to “servant-leadership.” This discursive innovation allows evangelical men and women to retain their allegiance to the symbolic authority of men even as they adopt behaviors more in keeping with the norms of their nonevangelical friends, neighbors, and co-workers. Moreover, it allows evangelicals to express—symbolically if not practically—their moral superiority over these very same nonevangelical friends, neighbors, and co-workers. In fact, its emphasis on male leadership is precisely the kind of symbolic differentiating from others that lends evangelical Protestantism its distinctive religious strength, as Christian Smith argues in his recent book, *American Evangelicalism: Embattled and Thriving*.

Evangelical leaders and their critics—from the mainstream media to feminists—may give the impression that evangelical Protestants are stalwart agents of reaction in American life. But the reality is that evangelicals are, in fact, not that different from other Americans when it comes to marital practice and more progressive when it comes to parenting, especially fathering. This paradox suggests that evangelical leaders should pay more attention to the practices of their own rank and file before attacking “cultural elites.” But it also suggests that their critics, ironically enough, might learn a thing or two about family life from average evangelicals.

Pediatric Bioethics: Reintroducing the Parents

Lainie Friedman Ross

In recent years an increasing number of bioethicists have argued in favor of a role for the family in patient health care decision making, even when that patient is a competent adult. Such a move challenges modern American bioethics, which holds patient autonomy as the primary ethical principle. Ironically, there is an opposite movement in the field of pediatrics, where ethicists and policymakers are seeking to exclude the family.

In pediatrics, the doctor-patient relationship traditionally has included three parties: the physician, the child, and the child's parents. Parents were not merely surrogate decision makers on the grounds of child incompetence, but rather parents were believed to have both a right and a responsibility to partake in their child's medical decisions. In recent years, though, there has been an effort to marginalize or exclude the parent. I will here examine, and reject, the current position of the American Academy of Pediatrics (AAP) as a leader in the movement to focus as exclusively as possible on the child's self-determination in the health care arena.

The Official Policy

The AAP's recommendations are laid out in a paper by the Academy's Committee on Bioethics titled, "Informed Consent, Parental Permission, and Assent in Pediatric Practice." The Academy recommends that the child's role should depend upon his or her decision-making capacity. The Academy concludes that children who have decision-making capacity should give informed consent for themselves. Although the Academy states that there are no requirements in these cases to obtain parental permission, they temper this

conclusion by encouraging parental involvement “as appropriate.” For children who lack decision-making capacity, the Academy defers to parents, unless they (or their decisions) are abusive or neglectful. With respect to children with developing decision-making capacity, the AAP states that there are certain situations in which the child’s dissent should be binding (e.g., research), and that even in the therapeutic arena the child’s decision should “carry considerable weight when the proposed intervention is not essential to his or her welfare and/or can be deferred without substantial risk.”

The Academy also makes specific recommendations about what should be done when parents and children disagree on health care decisions. According to the Academy, if there is parental-child disagreement and the child is judged to have decision-making authority, the child’s decision should be binding. If the child has developing capacity, consensus should be sought. The AAP supports third-party intervention for persistent disagreement between the parent and the child and offers various mechanisms including

...short-term counseling or psychiatric consultation for patient and/or family, ‘case management’ or similar multidisciplinary conference(s), and/or consultation with individuals trained in clinical ethics or a hospital based ethics committee. In rare cases of refractory disagreement, formal legal adjudication may be necessary.

A major problem with the AAP’s recommendations is that they assume that decision-making capacity can be defined and measured, although they offer no guidance as to what this definition is or how to test for it. Instead, the Academy recommends assessment of decision-making capacity on a case-by-case basis. However, since there are no criteria on which to base maturity or decision-making capacity, the decision of whether or not a child has such capacity is dependent upon the judgment of the particular pediatrician—a judgment for which he or she has no particular training.

For the purposes of this paper I will ignore the difficulties in determining whether a minor has decision-making capacity and assume that some minors are competent to make at least some health care decisions. Child rights advocates claim that autonomy should be based solely on competency, and thus that competent children should have decision-making authority in the health care setting. I reject that

claim because even if a child is competent, there are morally significant differences between competent minors and adults. Rather, I argue that competency is a necessary but not a sufficient condition to justify granting health care decision-making autonomy to minors.

Competency and Its Relationship to Autonomy

If a child is competent, are there any advantages in treating her autonomy differently than that of an adult? One moral argument to limit the child's short-term freedom is based on the argument that parents and other authorities need to promote the child's long-term autonomy. Given the value that is placed on self-determination, it makes sense to grant adults autonomy, provided they have some threshold level of competency. Respect is shown to adults by respecting their present pursuits. But respect for a threshold level of competency in children places the emphasis on short-term autonomy rather than on a child's lifetime autonomy. To demonstrate the importance of this distinction, consider the following.

The data support the claim that adolescents and adults make equally competent decisions in medical vignettes designed by psychologists. But one must examine the relationship of such competency to real life. Despite their knowledge regarding automobile safety, adolescents account for a disproportionate number of fatal car accidents. And despite their ability to repeat the facts about the transmission of HIV and other sexually transmitted diseases, adolescents tend to overlook the long-term consequences of unsafe sex. If what matters is the ability both to choose *and to act* to promote one's self-interest, then the claim that adolescents are competent is less than persuasive. Children need a protected period in which to develop "enabling virtues"—habits, including the habit of self-control—which advance their lifetime autonomy and opportunities. Although many adults would also benefit from the development of their potential and the improvement of their skills and self-control, at some point (and it is reasonable to use the age of emancipation as the proper cut-off), the advantages of self-determination outweigh the benefits of further guidance and its diminishing potential to improve long-term autonomy.

(As for the specific age at which emancipation should be granted, that is a political and not a moral question. To some extent the age

standard is arbitrary, as there are individuals older than the legal age of emancipation who are incompetent and individuals younger than the legal age of emancipation who are competent. But the statutes are not capricious; in general, individuals above the legal age are more likely to be competent than individuals below the legal age. I do not argue for any particular age because I believe that the age should be chosen by societal consensus, and may differ in different cultures and different periods of times. Any age cut-off will liberate some immature individuals and will delay the liberation of some mature children. Presently, the legal age of emancipation for most medical decisions is 18 in the United States and 16 in the United Kingdom and Canada.)

A second moral argument to limit the child's present-day autonomy is based on the child's limited world experience—which means that his decisions are not part of a well-conceived life plan. Again, there are many adults with limited world experience, but children have a greater potential for improving their knowledge base and for improving their skills of critical reflection and self-control. As medical ethicist Willard Gaylin explains:

Surely, part of what goes into our abridgement of the child's autonomy is the recognition that although he may be [competent] . . . the limitations of his experience distorts his capacity for sound judgment.

By protecting the child from his own impetuosity, his parents help him obtain the background knowledge and the capacities that will allow him to make decisions that better promote his life plans. His parents' attempt to help him flourish may not be achieved, but that does not invalidate the attempt.

A third reason why childhood competency should not entail respect for a child's autonomy depends upon the significant role that intimate families play in our lives. Elsewhere I have argued that when the family is intimate, parents should have wide discretion in pursuing family goals, even though these goals may compete and conflict with the goals of particular members. In general, parental autonomy promotes the interests and goals of both the children and the parents. It serves the needs and interests of the child because having autonomous parents will help the child become an autonomous individual

capable of devising and implementing his own life plan. It serves the adults' interest by enabling them to raise a family according to their own vision of the good life. These interests do not abruptly cease when the child becomes competent. Parental strategies toward childrearing may change, as now parents have the opportunity to try to inculcate their beliefs through rational discourse, instead of through example, bribery, or force. But while children are still dependent upon their parents for emotional, economic, and material support, the competent child's interest in acting autonomously must be balanced against parental interest in making decisions for their children. Many, including the AAP, reject this. Instead, the current movement gives unilateral responsibility to older children and denies enduring and legitimate parental interest in educating and guiding their competent children's behaviors and activities according to their own values.

It may be best if parents were to recognize their child's maturity and treat them accordingly. And in fact, many parents do respect their mature children's decisions voluntarily. As Laura Purdy, a philosopher and medical ethicist, has remarked, "It is plausible to think that children's maturity is not completely unrelated to parental good sense." Child liberationists may object because a voluntary approach only encourages parents to respect their children's autonomy, but does not legally enforce it. However, the voluntary approach is more consistent with a policy to limit the state's role in intrafamilial decisions, which is important for the family's ability to flourish.

A fourth moral argument against respecting the health care decisions of minors is based on placing health care rights in context. Most individuals who support health care decision making for children view it as an exception and do not seek to emancipate children in other spheres. But why should a child who is competent to make health care decisions not have a right to make other types of decisions? That is, if a 14-year-old is competent to make life-and-death decisions, then why can't this 14-year-old buy and smoke cigarettes? Participate in interscholastic football without his parents' consent? Or even drop out of school? It soon becomes clear that child liberation is a radical proposal with wide repercussions. It would mean that children could make binding contracts, and that there would be the dissolution of child labor laws, mandatory education, statutory rape laws, and child neglect statutes. As such, it would give children rights for which they

are ill-prepared and deny them the protection they need from predatory adults. It would leave children even more vulnerable than they presently are.

My objection to the child liberation position should in no way suggest that I do not place great value on freedom. My objection concerns the position's myopia and inconsistency. Child liberation requires that I respect a child's present-day freedom regardless of its long-term impact on her developing personhood. Imagine, then, that a 14-year-old with new-onset diabetes refuses to take insulin because she fears needles (or because her boyfriend's religious beliefs proscribe medical care) even though she intellectually understands that she will die without it. Who is willing to abandon her to her autonomy? Current law isn't. The laws which give adolescents the right to consent to treatment often do not give them the right to refuse treatment. We have it half correct.

In response, child liberationists may object that adults also make bad decisions, and that physicians often challenge these adults. The difference is that the competent adult's decision ultimately prevails. In contrast, most health care professionals for children would be unwilling to respect the 14-year-old diabetic's treatment refusal. More generally, we would be unwilling to respect a competent child's present-day autonomy whenever she makes a clearly bad decision. But if we are unwilling to respect her autonomy on the basis of content, then we are not truly respecting it at all. To only respect those decisions that a child makes with which we agree is not to show respect for the child's autonomy, but to make a farce out of what is meant by respect for autonomy.

The Family as the Locus of Decision Making

Beyond the issue of autonomy, my second problem with the AAP's recommendations is their willingness to involve third parties in a child's health care decision-making process. My concern is that these decisions undermine the family. Physicians provide only for the child's transient medical needs; his parents provide for all of his needs and are responsible for raising the child in such a way that he becomes an autonomous responsible adult.

Although the family as a moral unit has been given scant attention by moral theorists during the last quarter of the century, the history of

the philosophy of the family shows that in the past this was not the case. Consider, for example, John Locke, who wrote that it is a failure for parents and society to emancipate a child prematurely:

To turn him loose to an unrestrain'd Liberty, before he has reason to guide him, is not the allowing him the privilege of his Nature, to be free; but to thrust him out amongst Brutes, and abandon him to a state as wretched, and as much beneath that of a Man, as theirs. This is that which puts the Authority into Parents hands to govern the Minority of their Children.

The recommendation by some contemporary moral theorists to reject the family as an autonomous moral unit and to empower children with rights and allow them to make decisions for themselves is a solution alien to classical moral and political theory. Again, Locke was quite specific about when a child comes to be free from both his mother and father: when he comes to be of age. Locke did not deny the developmental process, but understood that a sharp line needed to be drawn between those who are and those who are not under parental authority.

Another modern alternative is to accept the family as a moral unit responsible for a child's well-being until the child has some threshold level of competency, at which point the child should make decisions for himself. Many recommend that such determinations be decision-specific. But by deciding on a case-by-case basis whether or not the child's decision should be respected, the child will not truly be granted autonomy. The change will be that now the physician, instead of the parents, will decide when to listen to the child's wishes. Thus one can see that this is less an issue of respecting the child's autonomy, and more about deciding who knows what is best for the child. Do we really wish to claim that a third party (e.g., a physician) knows better than the child's parents what is in the best interest of the child?

I do not mean to suggest that children should be ignored in the decision-making process. Diagnostic tests and treatment plans should be explained to children to help them understand what is being done to them and to garner, when possible, their cooperation. Parents should give their child's opinions serious consideration, particularly if the child is competent, and should include their children in the decision-making process both to get their active support and to help them learn how to make such decisions. However, when there is

parental-child disagreement, the child's decision should not be decisive nor should health care providers require third-party mediation. The decision belongs within the family. Although the child's present-day autonomy is overridden, respect for family autonomy serves to promote the direction and development of the child's lifetime autonomy. As such, respect for family autonomy respects the child's developing personhood.

Conclusion

The medical ethics literature has come of age with respect to the competent adult patient's role in his health care. But children are not little adults nor do they spring from the ground like Hobbesian mushrooms. Children are, first and foremost, members of families in which they are imbued with particular values and beliefs. Although a child may come to reject some or all of the values and beliefs of his parents, this grounding is critical for his cognitive, moral, and physical development. The development of competency is not an end-point but a milestone in the child's development toward self-determination. It challenges but should not dictate the decision-making process used by families in the health care arena. The AAP's decision to focus exclusively on the child is disrespectful of the child, his parents, and the institution of the family in general.

"Only a virtuous people are capable of freedom. Nothing is more important for the public weal than to form and train up youth in wisdom and virtue."

Benjamin Franklin

Community Corporations: Engines for a New Place-Based Economics

Michael H. Shuman

In November 1995, Art Modell, owner of the Cleveland Browns, announced to stunned fans that he was moving their beloved football team to Baltimore. After failing to strong-arm Cleveland officials to build a new stadium, Modell decided to skip town. Clevelanders, among the nation's most loyal and devoted fans, were livid. They felt betrayed, cheated, and abandoned. Some begged Modell to stay; others told him to go to hell. Either way, the decision was out of their hands.

This scenario of a professional sports team moving after its demands for more subsidies were not met has occurred seven other times over the past six years. In 20 other cases, payoffs were made. Most of us expect a city to be possessive of cultural icons like sports teams. But does it make any sense to be less concerned about losing factories, offices, shops, and farms? Those enterprises are the lifeblood of a community.

One of the most daunting dilemmas facing American communities today is how to improve their quality of life without triggering the departure of their most important corporations. Whenever a local government decides to tighten business regulations—whether it enacts a livable minimum wage or builds speed bumps to slow down capital mobility—it motivates resident firms to move out and outside firms to stay away. Most municipalities have responded by doing everything possible to lure businesses, even if it means paying out big bounties and weakening local environmental and labor standards. A better way for a local government to build a healthy relationship with its business community, however, is to replace the current strategy of capitulation with a smarter one grounded in local ownership.

The Risks of Raising Community Standards

Many U.S. towns and cities have learned over the past generation that capital flight is not just a hypothetical danger. The U.S. Bureau of Labor Statistics has found that nearly 50 million jobs have been eliminated since 1979, with 7.8 million lost just between 1993 and 1997. Most of these displaced workers found new jobs, but they typically had to accept pay cuts and lower quality work.

How have states and cities responded to this dilemma? Increasingly by offering lavish incentives for corporations to set up shop. Inducements of tens of thousands of dollars per job, which made headlines in the 1980s, are now commonplace. By the 1990s, Alabama was agreeing to pay \$150-200,000 per job to convince Mercedes-Benz to build a new plant, and Kentucky doled out \$350,000 a job to lure Canadian steelmakers Dofasco and Co-Steel.

Old jobs are on the auction block alongside new ones. In 1995, for example, the list of companies that exacted public payoffs by threatening to move included Raytheon (which bagged \$20 million in tax breaks from Massachusetts), Morgan Stanley and Kidder Peabody (\$30 million each from New York City), and the Walt Disney Company (\$800 million in highway and other infrastructure improvements from California and the city of Anaheim). Last year, the New York Stock Exchange was able to extort at least \$600 million from New York City—well over \$100,000 per job—by threatening to move to New Jersey or Connecticut.

The most powerful influence global corporations wield over states and localities, however, is more subtle. Few pieces of legislation protecting workers, consumers, or ecosystems can proceed very far without opponents warning about the dire consequences for the business climate. And even if, as liberals argue, corporations benefit from well-paid workers and decent environmental regulations, few CEOs actually believe this. Consequently, most community efforts to improve the quality of life wind up scaring away major corporations.

For the vast majority of U.S. communities unable to hold onto globe-trotting firms, corporate departures impose formidable costs. One of the best studies of these impacts looked at the 1977 layoff of thousands of steel workers in Youngstown, Ohio. It found that the

federal government had to pay out \$70 million over the subsequent three years in unemployment compensation, welfare payments, and other costs. Left behind in the wake of a firm's exit, of course, are plummeting property values and a depleted tax base that no longer can adequately support basic services like schools, hospitals, street repairs, electric utilities, and police.

Corporate mobility also weakens the capacity of communities to plan for the future. The standard tools of regulation and taxation that communities have long used to establish a balanced, give-and-take relationship with private firms are now all too frequently branded as "unfriendly to business." And while local politics has never been without its private corruptions, many communities are finding that governance is increasingly driven not by a consensus among the myriad of constituencies within a community, but by the positions of its most powerful corporations. Atlanta tends to follow the lead of Coca-Cola, Turner Broadcasting, and Delta Airlines. The same can be said of Microsoft and Boeing in Seattle. More and more communities in America have become the modern equivalent of a company town. It's just a matter of degree.

Ownership Matters

One way a community can regain power over footloose corporations is to become less reliant on them. As a healthy local economy becomes grounded in a network of locally owned and operated firms, mobile ones naturally have less power to insist on lower wages and weaker environmental standards. If the community decides to raise these standards, locally owned firms tend to adapt rather than flee. And when residents of a community own a thriving business, they are likely to be reluctant to let it move overseas—ever. Local ownership means that difficult-to-quantify factors like community stability, cultural preservation, and civic pride enter business decisions along with traditional measures of profitability.

Community ownership, of course, can come in many forms. A small, family owned business is unlikely to pack its operations for Singapore. Businesses that specialize in delivering local goods and services, like a tractor repair shop in rural Kansas or a small law firm with a nearby clientele in Bellingham, Washington, usually harbor

few global ambitions. Worker ownership of for-profits can further inhibit mobility, especially if the workforce is small and lives nearby.

Cooperatives also rarely leave their home base, since the consumers or employees who run the firm are reluctant to surrender a wealth-producing asset. The National Center for Economic and Security Alternatives estimates that there are 47,000 cooperatives in the United States, including 4,000 consumer co-ops, 6,500 housing co-ops, 12,600 credit unions, 1,200 rural utilities, 115 telecommunications and cable co-ops, and more than 100 cooperative insurance companies.

Nonprofit corporations, which account for over six percent of the U.S. economy, are also generally community friendly. One out of three nonprofits are tax-exempt foundations and charities; the rest comprise primarily universities, hospitals, fraternal organizations, and daycare centers. Several thousand nonprofit community development corporations (CDCs) are involved in starting new businesses, rehabilitating housing, developing commercial real estate, and training people for jobs.

Of course, nothing guarantees that even an ostensibly community friendly corporation will stay put. Scale turns out to be an important factor in determining whether a worker-owned enterprise, a cooperative, or a nonprofit will remain loyal to a community. When employees are geographically dispersed, such as those who now own United Airlines, worker ownership may have only a tenuous connection with a given community. The widely studied cooperatives in Mondragon and Bologna have recently entered joint ventures with multinational corporations that effectively dilute local control. The National Rifle Association's move a couple of years ago from Washington, D.C., to Virginia underscores how a larger nonprofit may move to an adjacent community, just like their for-profit brethren, to find cheaper land or labor.

One type of corporate structure that stays put whatever its scale is a municipally owned enterprise. U.S. state and local governments have established more than 6,300 public authorities to build highways and bridges, run electric and water utilities, dispose of hazardous wastes, operate ports, and perform other public services. The state of North Dakota runs its own bank with checking and savings accounts. In today's political climate, however, it seems unlikely that Ameri-

cans will hitch their future to public enterprises. The nation's commitment to private property and the profit motive, reinforced by the ideology of rugged individualism, seems to be too deeply etched into the collective psyche.

New Model of Community Ownership

Is it possible to create a corporation that blends the efficiency and attractiveness of private ownership with the loyalty conferred by community ownership? One intriguing option is to create a company whose stock can only be owned—or traded—within a locality. Ben & Jerry's, for example, restricted its first stock issue to residents of Vermont, though subsequent issues dropped this restriction and diluted local control. Another example of this idea, which has drawn worldwide attention, is the Green Bay Packers.

During the Depression, the Packers' Executive Committee convinced the Green Bay Association of Commerce to organize its members into neighborhood teams to sell \$25 shares door to door. Today, several stock sales later, 109,723 fans—who call themselves “cheeseheads”—own shares of the team, and more than half live in Wisconsin. Shareholders can trade shares within their families or sell them back to the corporation for \$25. No one can own more than 20 shares.

Although shareholders exercise control over the franchise by voting for the 45-member board of directors, they receive neither annual dividends nor capital gains upon resale, since the Packers are a nonprofit corporation. As the team's general counsel Lance Lopes says, the corporation's mission is “to field a competitive team and maintain the team in Green Bay in perpetuity.” When the team runs a financial surplus, as it has in recent years, net revenues are reinvested in the stadium or in the players. If the team were ever to run a loss (it hasn't in 40 years), the corporation could sell additional stock to members of the community to rejuvenate finances. The bylaws stipulate that in the event of dissolution the proceeds are to be donated to the local chapter of the American Legion.

While the role a sports team can play in a community's sense of itself makes the case of the Packers somewhat unique, it still suggests the possibility of a new kind of business structure—the community

corporation. A community corporation could be either nonprofit or for-profit. Like other enterprises, the shareholders would elect a board of directors to oversee management. *The key distinction from conventional corporations is that only members of the local community would be allowed to own voting shares of stock.* Shareholders could exchange or sell the stock freely, but voting shares could only be sold to other community members. Whenever such a shareholder decided to move out of the community, she would be obligated to sell off her shares to other community members or back to the company.

Besides those mentioned above, it is admittedly hard to find examples of corporations that have placed residential restrictions on ownership. William Penn's Free Society of Traders, chartered by the King of England in 1682, limited voting rights to shareholders living in Pennsylvania. In 1962 the Rev. Leon Sullivan created Zion Investment Associates, whose shareholders were members of the congregation living (almost exclusively) in Philadelphia. Community-development credit unions, some 300 of which are operating nationwide, place residency restrictions on their members. So do the nation's 65 member-owned land trusts.

Residential restrictions on ownership are uncommon because most businesses do not wish to limit the pool of potential investors, and thus the company's profitability. A community corporation, however, could partially overcome this problem by doing what conventional corporations often do: create different classes of stock ownership, with different rights and par values. By keeping voting rights in a class of shareholders restricted to residents while issuing nonvoting shares to outsiders, a corporation could still keep control local.

A community corporation would be only a slight modification of the conventional privately held corporation, yet would blend and balance the virtues of public responsibility with private profitability. Unlike most cooperatives and nonprofits, community corporations would retain the features conventional corporations use to ensure high levels of performance. These include the personal accountability of the CEO, a streamlined board overseeing him or her, and a continued mandate to deliver strong profits for shareholders. At the same time, community ownership ensures community sensitivity. If the owners of an enterprise live close to the workforce, go to the same

church or synagogue, send their children to the same school, have picnics in the same parks, and drink the same water, they have a greater incentive to make decisions responsive to their neighbors' needs. And with all voting shareholders being neighbors, it is unlikely that they would allow the firm to move operations elsewhere—unless relocation were truly in the interest of the community.

A local economy made up of community corporations would not absolve municipal government of its traditional responsibility to regulate business. What is important is that it now becomes possible to raise labor and environmental standards with much less fear that such regulations would trigger corporate departures.

While the 50 states each define corporate law differently, thus making generalizations difficult, it is fair to say that some kind of community corporation could be set up in every state under current law. From 1776 to 1801 the U.S. government chartered more than 300 companies, and most of these limited voting rights. Today a corporation may restrict shareholder rights of transfer through its articles of incorporation, its bylaws, or an agreement with or between the shareholders.

How to Get Started

Even if community corporations are legal, are they practical? In an era when every day's headlines herald some new corporate merger, can we really envision renewal of small-scale, community-owned business? There are strong, real-world reasons to believe that the answer to these questions is "yes." In *Going Local: Creating Self-Reliant Communities in a Global Age*, I document how recent breakthroughs in technology and workforce organization are making many small-scale businesses increasingly competitive with global giants. To give just a few examples:

- More than 100,000 Americans are now buying cheaper food through 600 community-supported agriculture arrangements, in which the two-thirds of every food dollar now wasted on marketing is eliminated by delivering produce directly to subscribing consumers.
- Most studies have found that the new national banks charge higher fees on checking accounts and credit cards, and pay lower interest on savings accounts, than regional or community banks.

- To supply consumers with metal and glass, 4,000 small-scale recycling companies nationwide are competing effectively with global-scale mining, milling, and smelting operations.
- Large-scale electric utilities are being replaced by small-scale power generators and energy-service companies.
- Microbrewers are besting the Budweisers and Coors in their own markets by tailoring their products to the exacting demands of local beer drinkers.

Many communities already have all the basics to start community corporations. For others, the primary barrier is financing. How can a moderate- or low-income community, likely dependent on mobile corporations, find the loan and equity capital to seed and nurture locally owned companies? Actually, most communities turn out to have ample financial resources for rebuilding their business sector but unwittingly fail to put them to good use.

Anacostia is one of the poorest neighborhoods in Washington, D.C., yet the total income of all households there is an impressive \$370 million per year. Most of this money quickly departs in the hands of landlords, business owners, or bankers who live in more upscale parts of town. In 1992 President Clinton noted, “In the Washington, D.C., area, there are 50 major banks but only two have branches in Anacostia and neither of them has a lending office.” A few new branches of regional banks have opened since, but Anacostians who maintain savings or checking accounts must accept that most of their money is being invested many miles away.

If Anacostians reinvested locally, they could do much to help turn their community around. So could many other impoverished communities. The key is to set up community development financial institutions (CDFIs) that are committed to local reinvestment. Currently, CDFIs are primarily community development credit unions, but they also include commercial banks like South Shore of Chicago and savings and loans like the Union Savings Bank in Albuquerque. Unfortunately, existing CDFIs do not even reach one percent of the 36,000 communities in the country. So one of the most important types of community corporation to set up is a bank that reinvests locally.

Because depository institutions are becoming less and less prominent players on the national investment scene—four out of five dollars of savings now go into stocks, bonds, insurance schemes, mutual funds, and pension funds—a community also must think about setting up new kinds of investment funds. One option is suggested by the trade unions in Canada, which created investment funds in the provinces of Quebec, Ontario, British Columbia, and Manitoba that now invest \$3.1 billion in worker-friendly small and medium-sized local businesses. To qualify for investments from these labor-sponsored investment funds, a firm must demonstrate that its workforce participates actively in management (including the election of a majority of seats on the board) and that most of its assets are located in the province. A survey in 1992 by the Quebec Solidarity Fund found that 87 percent of investors, who include union members and other investors, were satisfied with the rate of return. Municipal employee unions in the United States might press to have their pension funds similarly restructured and reinvested locally.

The Role of Local Government

The launching of community friendly businesses, banks, and pension funds obviously can proceed without any government intervention whatsoever if enough entrepreneurs are committed to running them. Still, smart policymaking—especially by local government—can speed up the transition to community corporations. Here are just some of the policy options local officials might consider:

- Move city banking to CDFIs to improve their chances of success.
- Use municipal employee pension funds to buy shares of promising community corporations.
- Inventory government funds now going to business (whether in the form of loans, grants, tax breaks, bonds, infrastructure support) and retarget them, as feasible, to community corporations.
- Give community corporations a small advantage (perhaps five percent) over others firms in bids for municipal contracts.
- Set up a public department, as Oregon has, to help community corporations find local suppliers and purchasers.

- If privatization of public services makes economic sense, limit bids to community corporations—a process that might be called “communitization.”
- Help local community colleges create new business training programs that can enhance people’s skills for creating and managing community corporations.
- Set up a community currency (as 40 U.S. cities have) to encourage local buying and selling, and support it by allowing it to be used to pay local taxes and paying it out to municipal employees as part of their salaries.

Some of these proposals may sound far-fetched. Yet examples of each can be found somewhere—and as the late economist Kenneth Boulding once quipped, “Anything that exists is possible.” What remains to be done is to put the pieces together in a coherent plan. For only when locally owned businesses are providing most local goods and services, supported by local banks, local pension funds, local currencies, and smart local policymaking, will communities finally be able to reclaim a modicum of control over their destiny.

“I believe that every right implies a responsibility; every opportunity, an obligation; every possession, a duty.”

John D. Rockefeller Jr.

Co-Housing: The Challenge of Building New Communities

Linton Weeks

The tensions between social responsibility and personal freedom, between communal living and privacy, lie at the core of the American soul. From its prenatal days this nation has flirted with experimental utopian communities. In 1663 Dutch Mennonites created a communitarian colony in Lewes, Delaware. German Pietists founded the Ephrata Community in Pennsylvania in 1732. New Harmony, Pennsylvania, was the first community in America with a free library, free kindergarten, a trade school, and public schools. And much later, during the 1960s and early 1970s, communes sprouted all over. Some of the ventures are still viable, but most have dried up.

Now a new group of pioneers are attempting to construct community, although this batch may be more mainstream than those of past generations. Consider Tena and Grady O'Rear, a nice, married 40-something couple from Frederick, Maryland. They have three older children, drive a dusty red Nissan Sentra, and listen to tapes of Garrison Keillor. They have few really sharp edges. "Grady and I are vegans, but we still buy leather belts," explains Tena.

The O'Rears aren't countercultural dropouts. They're just converts to an increasingly popular idea called "co-housing." Their goal is to create a community for themselves and other middle-class families. They are looking for vegetarians and venture capitalists, for hippies and yuppies. Those who join will live in closely built houses, eat some meals together, and make certain decisions as a group. Everyone will share kitchen duties, childrearing responsibilities, chainsaws, gardening chores, and just about everything else. Everything, Tena says, except wages and partners.

The O'Rears are not alone. They are part of a swelling movement of Americans who hunger for community and support. There are more than 100 co-housing projects underway in this country. In January a co-housing group purchased five acres near downtown Charlottesville, Virginia. The Gardens Cohousing Community is looking to start construction in northwest Denver later this year. And in Washington, D.C., Takoma Village Cohousing hopes to be up and running next year.

These latest winds of cooperation originate in Denmark, where the concept of co-housing took root about 30 years ago. The O'Rears and other co-housing pilgrims were introduced to the Danish ideals—individual homes, common eating and meeting areas, shared resources—through the book *Cohousing: A Contemporary Approach to Housing Ourselves*, by Kathryn McCamant and Charles Durrett. Today McCamant and Durrett, architects who are married to each other, run the CoHousing Co., a design and consulting firm. The couple lives in a co-housing project near the San Francisco Bay. As Durrett sees it, “We’re just trying to recreate that small-town feeling in a big town.” He believes that a small but loyal percentage of Americans will be attracted to co-housing because it appeals to the pioneering spirit and, ironically, it promotes independence. On a Friday night, he says, his wife can go to the movies with friends from the community and he can take advantage of communal living: “I can hang out in the workshop, drink beer, and tell lies with the guys.” It seems that more and more people are starting to find this picture appealing.

But, critics wonder, can genuine community be created in such a manner? Only time can tell. But to the O'Rears, the promise of co-housing is a dream coming true—albeit an expensive one. The price for the privilege of joining the O'Rears ranges up to \$290,000. For those willing to pay, though, a spot in “EcoVillage” awaits.

Walden III or a Homeowners' Association on Steroids?

EcoVillage is not just a new subdivision, but a “new way of living,” according to the snazzy green promotional brochure. Take a hike with the O'Rears around the 180-acre farm they've acquired in western Loudoun County, Virginia, near the Potomac, and they'll describe their plans. They have raised enough money from interested folks to pay \$4,000 an acre for this curvaceous land—lovely and

breeze-swept and only a short bike ride from a commuter train station. They wanted to locate near public transportation, “not only from an environmental viewpoint,” says Grady, who is called the development manager, “but from a health standpoint. The train is 36 times safer, per passenger mile, than the automobile.”

Some 70 homes are planned, in two clumps. The first lots have been staked out, cheek by jowl, in the north section of the property, with a parcel set aside for a resident who wants to raise organic vegetables and sell them to others. Another cluster of houses is planned to the south. Each cluster will have a common house.

It is the common house that is at the heart of co-housing. EcoVillage will offer common dining five nights a week. Residents will take turns cooking the meals, which are optional. “You can get home from work and have meals available,” Tena says. The common house will not be just for meals, but for meetings and laundry and mail delivery. Everyone will help take care of everyone and everything. “We want to reclaim some of our free time,” Tena says.

To help achieve this goal there are certain social expectations. Each adult is responsible each month for overseeing one common meal and performing four hours of community work, and must also participate on one committee. “You can get someone to substitute for you,” Tena explains, “or you can buy your way out of service at \$12.50 an hour.” Kids ages 10 to 17 will be expected to help prepare one common meal a month, give two hours of community service a month, and they may participate on committees.

There are building requirements, too. “There are half a dozen approved house designs,” Grady explains. “Four bedrooms or fewer. We’ll tell you what materials you can use. You choose which lot you want, which house you want.” The homes will be built only with earth-friendly materials approved by the community. The type of siding is not an option, nor is the type of roof. Prices of the homes will run from \$230,000 to \$290,000. “We didn’t realize,” says Tena, “that going green meant going more expensive.” Residents will also have to pay an annual community fee of \$1,200 or so.

Some people have dropped off the EcoVillage waiting list because prices were higher than anticipated. “It becomes clear,” Tena says, “that this is not a community they can afford.” But, Grady adds,

“by offering refunds on most of the deposit money, we’re reducing the likelihood of hard feelings. People can leave.”

The process, Grady says, is self-selecting. Prospective buyers will have read the covenants and the social goals. “They might not agree with everything. It’s the same arrangement you would have moving into any community with home association controls.” Of course, some might say it’s like a homeowners’ association on steroids. When you buy into co-housing you could also be buying into nosy neighbors, nonstop meetings, fine-grind political correctness, and a peer pressure cooker. Even before the first spade of dirt has been turned, a steering committee has been meeting just about every month for the past two years. It is called the “general circle.” Then there are five “developmental phase” committees—land development and construction, community design, marketing, finance-legal, and economic development. Co-housing, says Tena, is a commitment. “If it’s my way or no way, this isn’t the place for you.” But there is much more to EcoVillage than committees. The fledgling community has already gathered together for potluck suppers and barn dances.

Gregarious folks, says Tena, will be drawn to EcoVillage by the idea of co-housing. The hook for others will be the environmental promise. “Co-housing,” she goes on, “promotes the sharing of resources. Like lawn mowers and the equipment we buy.” She wants the group to buy canoes to use in the nearby Potomac River, and a pickup truck. “We need a pickup truck maybe once or twice a year,” she says.

Most of all, she wants some support when it comes to “all of these practical aspects of daily life that are piggy or burdensome.” Modern life “is particularly hard for families who have two working adults. A lot falls on especially the woman,” she says. “It’s a wonder we have people staying as sane as they do. We’re so stressed.” There’s a pause before Grady speaks. “Collaboration *is* an important form of community.” He then adds, “Privacy is, too.”

Some Adapt, Some Don’t

So far about 36 households have signed up to buy into EcoVillage. “We’re beginning to feel how supportive community can be even before we actually get into the community,” says Grady. “We’ve been

sharing some of our joys and some of our sorrows.” Leni Nazare, 49, simply cannot wait. A former dietitian, she is the marketing director for EcoVillage. She first read about co-housing in the *Utne Reader*—the *Reader’s Digest* of the New Age, soft-soled set. “I feel really strongly that it takes a village to raise a child,” says Leni, whose daughter is seven. “I’m delighted that she’ll grow up in an extended family.” Her husband Charles, an engineer, was not that excited at first about moving in with a bunch of strangers. “It’s been a process,” Leni says. “But the more Charles got involved in the meetings—making the rules and drawing up the covenants—the more he convinced himself that this wasn’t really that scary.”

Craig Tufts, chief naturalist of the National Wildlife Federation, has also signed up for EcoVillage. “I’ve really gotten frustrated and tired of living in wall-to-wall housing,” says Tufts, 52. “There is no concern for the natural environment in developing those communities.” But there is some hesitation. “No matter where I live I’m going to have some qualms,” Tufts admits, “the same concerns everybody has when they move into a new community. What will they let me do? What will they not let me do? Are we all going to think alike?”

Ultimately, co-housing doesn’t work for everybody. About a year ago, David Visher, 47, an agriculture consultant, and his wife Lorraine, also 47, a schoolteacher, moved away from Muir Commons in Davis, California. Muir Commons was completed in 1991 and is considered the grandfather of contemporary American co-housing. “Space was an important issue,” says Visher, “and there’s a certain amount of a loss of privacy living there that’s kind of wearing. People are always walking by looking in your windows.”

At Muir Commons, as at many co-housing experiments, decisions are made by consensus. “To make decisions that work,” Visher observes, “it’s hard. People think it’s like a touchy-feely, group hug, but it’s a formal process. You have to make sure everyone’s heard.” As anyone who has sweated out “participatory democracy” meetings could have predicted, eventually Visher grew weary of the long decision-making gatherings. “As time went by,” he says, “the meetings got looser and looser, until I felt like they couldn’t make any decision. You wanted to put in a tether ball, and there was meeting after meeting after meeting. Finally, you say, ‘To hell with this, I just want to put in a tether ball for the kids.’”

Visher points out that the arrangement has many positive aspects: multiple role models, inexpensive common meals, and a built-in community of friends. “That part is really wonderful.” But that wasn’t enough. “The single largest strife at Muir Commons is around childrearing,” he says. “The problem is that people can be pretty elastic about anything except about how they raise their children. It’s hard to come up with agreements on how to raise kids.” What do you do, for instance, with little boys who insist on turning sticks into war toys? And, Visher recalls, one particular sticking point for the group was the amount of kiddie noise allowed in the common house.

Now the Vishers and their two daughters live in a larger home, just two blocks away from Muir Commons. “I have my own garage and I can keep my own tools.” The group’s workshop was nice, he adds, but there was great pressure to keep it extremely tidy. The Vishers don’t see their old Muir Commons friends very much. “We’re not hanging out over there,” he says.

Needed: Know-how and Commitment

As the experience of the Vishers shows, making co-housing work isn’t easy. The O’Rears are hoping that some of their past experiences will help them meet this challenge. They met while setting up Way Station, an agency to help the mentally ill. “That prepared us to live within a diverse community,” Tena says. The couple have also helped to found a private elementary school, a Quaker meetinghouse, and a food co-op. They retired from Way Station a year and a half ago to devote all their time to developing and marketing EcoVillage. “A lot of things we were trying to create for people with mental illness were things everybody needs,” Grady says. “We want to create community and compassion.” “As well as efficiency and support,” adds Tena.

In the air there is the aroma of mowed grass, the warmth of the sun, rustling leaves. The sky is cloudless and you can hear a mourning dove in the distance. For a moment, the O’Rears stop and admire the soaring sycamores along one of the creeks. “We hope to give people,” Grady says, “a sense of place and rootedness.”

The Pros and Cons of Domestic Disarmament

David B. Kopel and Christopher C. Little

It is high time for the federal government to outlaw gun possession by anyone except the police and the military, and to round up all firearms currently in private hands. Millions of Americans think so, but even the most aggressive of America's gun control groups have not been willing to advocate such a policy. Into the breach has stepped The Communitarian Network, arguably the most influential think tank in Washington. In a lengthy position paper, *The Case for Domestic Disarmament*, The Communitarian Network presents a forceful law and policy case for a gun-free America.

Domestic Disarmament is noteworthy because it is almost the only scholarly document arguing at length for confiscating all guns, rather than merely outlawing the future production of certain "bad" guns (such as handguns and so-called "assault weapons"). . . .

The paper's argument is summarized in five propositions:

1. Legal analysis shows there is no individual right to keep and bear arms guaranteed in the Second Amendment to the United States Constitution.
2. Permitting individual gun ownership in this country causes thousands of injuries and deaths every year and, therefore, poses an inordinate threat to public safety.
3. Polls indicate that the vast majority of Americans want some forms of additional gun control legislation.

Excerpted from "Communitarians, Neorepublicans, and Guns: Assessing the Case for Firearms Prohibition," Maryland Law Review, Vol. 56, 1997. The Case for Domestic Disarmament can be found at the website of The Communitarian Network: www.gwu.edu/~ccps.

4. The gun control proposals currently advocated (waiting periods, registration, and the like) will not adequately mitigate the damage gun ownership causes to the American community.
5. Therefore, because there is no constitutional right of individuals to keep and bear arms, America must adopt laws even stricter than those in Europe, Canada, and Japan. . . .

Is there an individual right to self-defense that cannot be abrogated? Common law, the original intent of the Framers, and case law indicate that there is a right to self-defense against both criminal and government predators, and as Blackstone notes, the logical corollary of that right is the individual right to keep and bear arms. Contrary to The Communitarian Network, the United States Supreme Court has never denied this. Although courts often grant governments considerable leeway in enacting gun control, total gun prohibition appears to be plainly unconstitutional.

How do we balance the necessary policing with the public's right of privacy and its constitutional protections against illegal searches and seizures? How would disarmament be accomplished? In light of the certain resistance to the imposition of domestic disarmament, these are anybody's guess. Ronald Goldfarb, a pro-disarmament writer and former Justice Department official, perhaps senses the impossibility of the endeavors when he asks: "Would a real ban on guns fail as dismally as the attempt to ban alcohol?" Indeed, a repeat of the alcohol prohibition disaster would be the best-case scenario. . . .

What is the danger of creating a disarmed public? The first danger of successful gun prohibition is that it leaves the public at the mercy of violent criminals who, being criminals, will not disarm. Second, successfully disarming the American public would indeed, to answer Goldfarb's query, "make the law enforcement establishment too powerful." This was, in fact, the fear of those who insisted upon enshrining the right to arms in both state and federal constitutions as a check and balance upon the power of government. More fundamental, further disconnecting citizens from responsibility for the safety of themselves and their communities will foster the learned helplessness, alienation, and moral degeneration that The Communitarian Network attempts to combat. . . .

That the American people should be encouraged to be armed and trained in order to counter violence seems radical and runs directly counter to the notion that more gun control equals less gun crime. The initial reaction to the proposition that an armed and well-trained America reacquainted with republicanism will be a kinder and gentler nation may be incredulity. Such a reaction is, however, merely a gauge of how far we have departed from our roots.

The Communitarian Network recognizes (rightly so) the worthlessness of the vanilla-pale agenda of the gun control lobbies. *Domestic Disarmament* performs a tremendous service to the debate on gun control because it forces one to think strategically—to look beyond the raging, but often trivial debates over the vanilla-pale gun control measure-of-the-month. . . .

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THE COMMUNITY BOOKSHELF

Privacy as Privilege

Jonathan Kirsch

Amitai Etzioni, The Limits of Privacy (New York: Basic Books, 1999). 280 pp.

The right to be let alone, as Louis Brandeis and his law partner Samuel Warren so famously defined the right of privacy, expresses an idea that is profoundly and authentically American. After all, we all tend to bristle at the notion that someone—whether it is big government, big business, or just a nosy neighbor—might be eavesdropping on our phone calls, or browsing through our medical records, or sniggering over the movies we rent at the video store. And even the most priggish Clinton hater ought to be able to understand why the president might feel a bit aggrieved to discover that an intern has been yakking about their sexual adventures to someone who first rigs a homemade tap on her phone and then puts on a wire to go to lunch. “No one needs to read a book—let alone a philosophical tract or an extensive policy analysis—to be reminded that the right to be let alone is much cherished,” allows Amitai Etzioni in *The Limits of Privacy*, and that “without privacy no society can long remain free.”

Yet Etzioni, a distinguished sociologist who has reinvented himself as a social philosopher, insists on presenting us with “the other side of the privacy equation.” His book is a well-argued brief in favor

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of the proposition that the right of privacy ought not to be regarded as something sacred and thus inviolable. Privacy and public interest exist in a state of constant tension, Etzioni suggests, and sometimes “the common good entails violating privacy.”

The flash points between privacy and public safety can be spotted all over the landscape—drug testing in the schools and the workplace, sobriety checkpoints on the streets and highways, surveillance cameras in parking lots and shopping malls. For his purposes, Etzioni focuses on four specific examples of the friction between privacy and public interest, including the testing of infants for HIV, the various “Megan’s Laws” that alert the public to the presence of sex offenders in their communities, the right of the government to decode encrypted messages on the Internet and other media, and the use of identification cards and “biometric identifiers” such as voice recognition and “eyepoints,” all of which Etzioni finds to be acceptable intrusions into the realm of privacy when a justifiable public interest is served.

Etzioni’s presentation is deft and disciplined, his reasoning straightforward and plainspoken. He holds himself to a high standard of intellectual honesty, always crediting the arguments that can be made against the positions he is advocating. His book is largely free of the “spin” that has so corrupted public discourse in America, and his advocacy is only strengthened as a result of his candor and clarity.

“To reconceptualize privacy, a highly revered right, may seem offensive, almost sacrilegious,” he is willing to concede. “However, in the wake of the rise of radical individualism between 1960 and the 1990s, a new conception of privacy is called for, one that does not privilege privacy over the common good but rather is open to balance with concerns for social responsibilities.”

It is also true, however, that Etzioni has chosen case studies that tend to play on conscience and sentiment, fear and passion. The testing of newborns for HIV, which also reveals whether the mother is HIV-positive, surely invades the mother’s privacy, but it may also save the life of a baby. “Megan’s Laws” may expose an offender who has already served his sentence to lifelong public shame, but it also holds out the prospect of protecting innocent young children from sexual predators.

Even though he is a sociologist rather than a lawyer, Etzioni strides confidently into the thickets of constitutional law, and he invokes the Fourth Amendment to justify his proposals for “reconceptualizing” the right of privacy. Dismissing what he calls “the amalgam of various constitutional rights” that provide the fuzzy theoretical underpinnings of the right of privacy in cases dealing with “reproductive choice,” Etzioni prefers the balancing tests that he finds in search-and-seizure cases, in which privacy is weighed against “the common good” and sometimes found wanting.

Etzioni has been commenting upon the function (and, of necessity, the malfunction) of American society for nearly 40 years, starting with *A Comparative Analysis of Complex Organizations* in 1961. Over the years his work has moved from strictly academic monographs to social commentary that betrays an activist stance toward social policy. Clearly, he is not content with merely describing the social problems he sees around him; he wants to solve them, too. Etzioni has assumed the role of a postindustrial equivalent of an Old Testament prophet—stern and demanding, always tugging at our sleeve, always confronting us with hard truths and challenging ideals.

“My approach is nourished by a social philosophy: communitarian thinking,” Etzioni explains at the outset of his argument. His philosophy aspires toward “a carefully crafted balance between individual rights and social responsibility, between liberty and the common good.”

Like a true prophet, Etzioni’s message is not always honored in his own country, but he does not seem to care that his ideas may be unfashionable. Remarkably, the nay-saying of his critics even shows up in the blurbs that are being circulated by his publisher to promote the book. The ubiquitous Alan M. Dershowitz, for example, is quoted in the publicity release from Basic Books as calling *The Limits of Privacy* a “must-read,” but he is also allowed to voice a dissenting opinion on Etzioni’s call for a balance between privacy and the public interest: “I quarrel,” quips Dershowitz, “with the weight of the communitarian thumb he places on the scale.”

The core of Etzioni’s argument is so reasonable that it is ultimately hard to resist: We err when we treat the right of privacy as sacred, to the exclusion of our common sense; and we ought to at least entertain

the idea that the invasion of privacy by government is sometimes the lesser of two evils. After all, the Branch Davidians just wanted to be left alone, too. Although he is quick to invoke the common good and the communitarian principle, Etzioni's best argument is based on an appeal to the individual reader's empathy: Would *you* be willing to sacrifice some measure of privacy to frustrate a terrorist who seeks to bomb a public building, or to protect a child from a sexual predator who seeks to rape and kill her? Not many of us would say no, or so Etzioni assumes, and I think he is right.

Balancing Privacy and the Common Good: The Devil Is in the Details

Ronald Bayer

Amitai Etzioni, *The Limits of Privacy* (New York: Basic Books, 1999). 280 pp.

Sometimes it is best to begin at the end. That is especially so with a book like *The Limits of Privacy*, which has a strong thesis that only fully emerges in its concluding pages. From that vantage point it is possible to look back and finally understand much that had seemed unclear, to answer questions that had remained unresolved.

What then is Amitai Etzioni's thesis in *The Limits of Privacy*? There are two elements in Etzioni's argument. First, he suggests that American public safety and public health have been significantly injured by a single-minded embrace of the right of privacy in our jurisprudence and public policies. Second, and in some ways more radically, he claims that the subversion of public cultures of scrutiny and responsibility have opened the way not only to patently egregious conduct—in the name of privacy—but to the risks of an intrusive state. Here, too, it is best to start at the end, to take up Etzioni's second and less fully developed claim, before turning to what he has to say about law and jurisprudence.

As a communitarian theorist, Etzioni seeks to distinguish his position from those he classes as individualists (a grab bag of liberals

and right-wing libertarians) “who strongly oppose social formulations of the good and believe that each person should be free to form and pursue his or her own good,” and from social conservatives as well as religious fundamentalists “who would rely on the state to enforce their values.” Communitarians, on the other hand, Etzioni asserts, “hold that important social formulations of the good can be left to private choices—provided there is sufficient scrutiny.” It is in the “third realm,” neither that of the state nor that of the market but rather within communities, that such formulations take hold. It is within the community “which relies on subtle social fostering of prosocial conduct by such means as communal recognition, approbation, and censure” that cultures of responsibility emerge. “These processes require the scrutiny of some behavior, not by police or secret agents, but by friends, neighbors, and fellow members of voluntary associations.” Here then is the paradox: “the best way to curtail the need for government control and intrusion is to have somewhat less privacy.”

The spectre of totalitarianism galloping in to rectify the chaos of social disorder haunts this argument—Weimar, to be sure, is there. In supporting his claim, Etzioni unfortunately takes the opportunity to cite, approvingly, a scathing and unbalanced attack on the ACLU. “The ACLU is driven by an atomistic vision of liberty. It envisions solitary individuals armed with rights and unencumbered by duties. . . . Its atomistic ideal is so unattractive that its idealization (if possible) would require great coercive powers, thus it is an organization devoted solely to individual rights seeking in practice the total aggrandizement of the state.” Whatever one thinks of the ACLU—and, as even Etzioni has acknowledged elsewhere, no fair reading of history could ignore the critical role it has played in the defense of liberty when others cowered—this certainly represents a distortion of an organization that so clearly has sought to merge the egalitarian and social welfare orientation of modern liberalism with the individualism of its 19th-century progenitors.

What can explain the recourse to overstatement that borders on calumny? It is, I think, reflective of Etzioni’s struggle with the requirements of his analytic posture and that which is demanded by his role as polemicist. While the former necessitates attention to nuance, the

latter eschews such caution and instead is committed to the intellectual equivalent of a “take no prisoners” approach to civic discourse.

This lapse of judgment aside, Etzioni’s claim is a powerful one—a critical antidote to the limiting features of contemporary liberal thought. We have, for example, confused the right to reproductive choice with the right to be free of any social judgment on how such choices are exercised. And it took years before those legitimately concerned about the vulnerability of people with the HIV infection could, without ambivalence, say that there was a moral responsibility not to place one’s sexual partner at risk. Indeed, among many contemporary liberals the very act of making moral judgments is derided as “judgmentalism.”

Turning to the Fourth Amendment

The primary pillar of Etzioni’s thesis, as mentioned above, is that law, jurisprudence, and public policy have in the past three decades or more been corrupted by the “privileging” of privacy over the common good. He grounds this issue by undertaking a critique of the way in which the Supreme Court has fashioned a constitutional right to privacy, beginning with the 1965 landmark case of *Griswold v. Connecticut*, which acknowledged the right of married couples to have access to contraception, through *Roe v. Wade*, which secured the right of abortion (at least during the first two trimesters of pregnancy). In so doing, he sets himself against the mainstream of liberal constitutional interpretation. “I am *not* suggesting that the various prohibitions on the use and sale of contraceptives or on abortion should have been allowed to stand. My argument only points to the unbounded nature of the position embraced. No limits on the right to privacy in the name of some other consideration—for instance, respect for community values or special considerations for parents’ responsibilities for minors—were allowed to stand.” How different from the judgment of Lawrence Tribe, arguably among the most thoughtful proponents of liberal constitutional interpretation, who wrote of the Court’s decisions on privacy that “they had inspired the most moving appeals in the judicial lexicon.”

To replace what he takes to be the judicially crafted rigidities of the privacy doctrine, Etzioni suggests the wisdom of the Constitution’s

Fourth Amendment, which focuses on the scope and limits of searches and seizures. Such a foundation would serve us well. “The Fourth Amendment,” he asserts “provides a balanced conception of privacy.” It is in the clash between a “privileged” and a “balanced” approach to privacy that the battle is joined.

Of course, no one is ever for rigidity or against balance—if by balance we mean a reasoned and rational approach. For example, not even the most ardent advocate of free speech rights suggests that there is a right to cry fire in a crowded theater, unless, of course, there is a fire. What advocates of free speech do believe, however, is that before so fundamental a right is overridden, it is necessary for the state to demonstrate a compelling interest and also demonstrate that no effort less intrusive of rights could secure that interest. It is in that way that the court has privileged freedom of speech.

And so the real question before us is: Should it be easier to balance other interests against privacy? Should the burden of evidence be no different, let us say, than would be required by the mere showing of a rational relationship between the means adopted and the goals to be pursued (the lowest standard of Constitutional review)? Much depends on how important we deem the realm of privacy to be—whether, for example, we view it as having no greater claim on our concern than the interests of those involved when commerce is confronted by possible regulations. It also, of course, depends in part on how we judge the balance between the power of the state and that of the individual, and whether we believe that the weaker parties need special protection.

An analogy from the law will help to illustrate the point. In our jurisprudence it is necessary for the state to demonstrate beyond a reasonable doubt that an individual is guilty of criminal charges. We establish that high bar because a loss of liberty hangs in the balance. When we enter the realm of tort law a much lower burden on claimants exists. The standard is a mere preponderance of the evidence. Both tests require balancing; it is just that the balancing required is of a very different order.

In the end the question before us is whether it should be easier for the state to intrude upon privacy, and in what kinds of circumstances. Etzioni believes that the standard of strict scrutiny precludes an even-

handed approach to such matters. In proposing his alternative he would clearly seek to make state intrusions much easier.

A Communitarian Avoidance of Community?

Armed with this critique of privacy in law and culture, Etzioni is ready to undertake his analysis, and we are ready to turn to the start of the book. What *The Limits of Privacy* provides is a discussion of five interesting case studies: HIV testing of infants; sex offenders and the limits of Megan's Laws; the encryption of computer communications; the benefits of universal ID cards; and the protection of medical records. In each of these cases Etzioni seeks to demonstrate the ways in which privacy rights clash with communal claims to health or safety. In only one instance—involving medical records—does he find that the rights of privacy are endangered and require protection. In one case, involving sex offenders, he asserts that Megan's Laws, which would require the notification of local communities if a convicted offender were to establish residence, do not go far enough. He would opt for extended residence in extra-penal settings that would be subject to careful surveillance. Given the high risk of recidivism, Etzioni claims that the public safety demands this extraordinary measure. In the remaining cases, Etzioni seeks to demonstrate how the privileging of privacy has led to policies that are profoundly injurious to the commonweal.

However one reads these interesting case studies, and however one comes to terms with Etzioni's conclusions, there can be no doubt that *The Limits of Privacy* represents a manifesto for those who are dismayed by the current state of affairs. But noteworthy is the fact that in each instance Etzioni chose to take up a case that ultimately required the extension of the state's authority. This is especially surprising given his assertion that it is the failure of regulatory norms in the "third realm" that may well open the way to restrictive state measures. It would have been valuable for Etzioni to provide us with a case illustrative of this point.

Finally, how interesting it would have been had Etzioni provided us with a communitarian defense of the realm of privacy, not as something to be grudgingly accepted but as something worthy of protection and nurture. We know too well about the risks of intrusion

in matters of consensual sexuality—the oppressive legal, cultural, and social regimes surrounding homosexuality make this clear. Etzioni might well have addressed the price of respect for communal norms in the Supreme Court’s decision of *Bowers v. Hardwick*, which upheld Georgia’s sodomy statute. He might also have attended to the burdens that are borne by women when they are deprived of access to safe, affordable abortions despite their formal legality. Perhaps it is asking too much of an author who seeks to lay out the claims of community to take on the challenge of defining the virtues of privacy—but it would be interesting.

Globalization versus the Status Quo in Germany

Jens Beckert

Warnfried Dettling, *Wirtschaftskummerland? Wege aus der Globalisierungsfalle* (Munich: Kindler Verlag, 1998). 335 pp.

The story goes as follows: Germany is in a crisis. Once proud of the economic miracle of the postwar era, it has lost its self-esteem and turned into a state of sorrow. It is not so much that things are really bad: Germany still has one of the highest standards of living in the world; social conflicts are rare; its citizens are protected against the risks of age, sickness, and poverty. But at a time when the world is in the process of transforming its fundamental operating principles, Germans are resisting change—they focus on possible losses without seeing the opportunities.

This is, in brief, the diagnosis that forms the basis for Warnfried Dettling’s new book, *Wirtschaftskummerland? Wege aus der Globalisierungsfalle* (“Country of Economic Sorrow? Ways Out of the Globalization Trap”). As for the operating principles that are in flux, Dettling focuses on three. First, globalization and the new international division of labor threaten hitherto protected employment opportunities and, moreover, present Germans with different regulatory regimes as possible alternatives to “Rhine-capitalism.” Second, individualization brings about the possibility of a more utilitarian

social orientation. And third, there is the process Dettling calls “digitalization,” by which he means the social consequences of various developments in communication, including the internet.

Dettling claims that because of globalization, individualization, and digitalization, Germany will increasingly exclude segments of its citizenry. This diagnosis leads the author to rethink the relationship between economy, state, family, and civil society (the latter also known as the “third sector,” the author’s definition of which is problematic, as I will discuss below). He devotes large parts of the book to analyzing the changing realities of these spheres. But, even more importantly, he discusses possible solutions. The main aim of this book is to awaken German society. For Dettling, the way of doing this is by shifting the focus from the threats to the opportunities that the current transformation potentially offers.

The scenario Dettling envisions happening is as follows: Globalization and rationalization of the economy lead to enduring mass unemployment in Germany. The welfare state cannot cope with this situation. It is overburdened by high unemployment and demographic changes, which lead to high expenses for pension funds and the health care system. But the family, as the second institutional setting for cushioning social exclusion and providing care, will be equally overburdened. In this situation, minor reforms in labor market and tax policies, in the pension fund system, or in higher education—as advocated by the political elites in Germany—will not solve the problems.

Instead what is needed, according to Dettling, is a fundamental revaluation and qualitative change of the third sector. The book sees the third sector as the gathering place for those who are excluded by the market mechanism. In addition, the third sector is supposed to provide an arena for the solving of a myriad of social problems (as well as for the creation of new meaningful lifestyles). And the central social problem that needs addressing is how can all members of society remain an active part of it even if their qualifications are not demanded by the market. Dettling’s answer lies largely in having these people work in some capacity in the third sector.

This book is a powerful demonstration of the influence of communitarian thought among German intellectuals. Many of the ideas in

the book have been circulated in a more scattered form for some years. Dettling's accomplishment is in synthesizing such ideas and providing a vision of how a 21st century society could combine economic success with social justice.

However, I have two criticisms: First, Dettling accepts too easily that structural mass unemployment will remain. Labor market forecasts for Germany differ widely and the examples of the United States and the Netherlands demonstrate that unemployment can be reduced. By focusing on the development of the third sector, attention might be diverted from possible labor market reforms. I believe that one of the most convincing concrete suggestions Dettling makes is the introduction of what is called in the United States earned income tax credits. However, the idea behind such a program is to *integrate* people into the labor market, not to employ them in the third sector.

My second objection refers to Dettling's notion of the third sector itself. He seems to have two quite different concepts in mind. One is that the third sector is the realm of civic engagement in which community is formed and reproduced. We might all wish for citizens to become (again?) more involved in their local affairs and for the third sector, understood in this sense, to flourish. To increase opportunities to work for the protection of the environment, to build playgrounds, or to write about local history—all are certainly attractive opportunities for some and alternatives to the routine of their current jobs. But the second meaning Dettling gives to the third sector is that it is the realm of all people who drop out of the labor market. For them the third sector does not have a positive attraction but rather signals their failure. It means workfare programs and employment in poorly paid personal services. To have these jobs done might be good for society, and one can convincingly argue that workfare and service employment is superior to passive dependency on welfare or unemployment benefits. But that does not mean that it has an attraction for those who find themselves in this situation, which makes it a safe guess that the Germans' fear of change will not be undone by the vision Dettling provides. The losers of the market might not be amused—even if they have to accept.

THE MORAL DIMENSION OF MOVIES

The Battle of Good versus Evil

Mary Henderson

On its most basic level, the *Star Wars* saga represents a conflict of the Light versus the Dark, an ancient precept of Indo-European myths that spread to many other mythologies. The conflict in *Star Wars*, and in many myths, branches off from this central opposition. Walter Burkert could have been describing Luke and Vader when he wrote (in *Structure and History in Greek Mythology and Ritual*) about the narrative structure in Western mythology:

The prospective victor and the antagonist are made opposites in every respect: the victor will be bright, handsome, nice, young, perhaps slim and small, but tough and virtuous, while the adversary will be dark, ugly, repulsive, old, big and powerful. . . . The contrast between light and darkness obtrudes itself.

In *Star Wars*, Luke and Vader represent good and evil on a cosmic scale. Luke is golden-haired and fair-skinned; his home is a twin-sunned planet so bright that it appears to be a sun itself:

It was a vast, shining globe and it cast a light of lambent topaz into space—but it was not a sun. Thus, the planet had fooled men for a long time. Not until entering close orbit around it

From Star Wars: The Magic of Myth by Mary Henderson. Copyright © 1997 by Lucasfilm, Ltd. Used by permission of Bantam Books, a division of Random House, Inc.

did its discoverers realize that this was a world in a binary system and not a third sun itself. [From the novel *Star Wars: From the Adventures of Luke Skywalker*, by George Lucas.]

Luke is thus the solar hero, the bringer of the light, symbolizing goodness and truth. Leia too is a figure of light who remains feminine and mysterious. In Western mythologies, the Sun is often male while the Moon is female. Since Luke and Leia are Vader's children, one metaphorical interpretation might see Vader as the all-encompassing darkness out of which Luke shines as the sun and Leia as the moon.

From the beginning, *Star Wars* reveals that good and evil are at war. The first film divides good and evil clearly; the dark side uses the power of the Force for aggression, and the light side for defense. The heroes make the right power choices: they seek independence rather than dominance, and they fight because they must, not because they are consumed by bloodlust. The hero is an ordinary character who is put into an extraordinary situation and rises to the occasion.

This clear distinction between good and evil has its roots in Zoroastrian belief. Zoroaster (also known as Zarathustra) dates from about the sixth or seventh century B.C. and was the great prophet of Persia. He gave ancient mythology an abstract interpretation, teaching that the world is the creation of good and that God is not in any way associated with evil. Good and evil, like light and darkness, are contrary realities. In other words, Zoroastrianism holds that the two are fundamentally opposing forces at work in the universe. Evil is not simply an absence of good; it is a real substance and force in its own right. Good and evil cannot coexist; they are mutually destructive and ultimately derive from the two "first causes," which are themselves mutually antagonistic and irreconcilable. One source is Ahura Mazda, the wise lord, mother and father of creation; all of his works, including humans, are good. The other "first cause" is Angra Mainyu, the evil spirit, who limits the omnipotence of Ahura Mazda and dwells in an abyss of endless darkness. He is ignorance, harmfulness, and disorder, and his aim is always to destroy or spoil the creation of Ahura Mazda. All human evil is due to Angra Mainyu, as he resides like a parasite in the bodies of men and animals. The evil one pollutes Ahura Mazda's pure creation, but the energy of life and growth continues to war with death and decay, and Mainyu will eventually be overcome.

Zoroaster held that the cosmic battle was fought in this world. The evil Empire, then, is the work of Mainyu. There is no crossover between the two forces; when the Death Star is destroyed along with everyone on it, it is a clear-cut victory of good over irredeemable evil. There is no point in attempting to “save” any of the Imperial troops. In the Zoroastrian universe, saviors are not mythical beings but rather those who through justice and truth overcome passion; just so are the heroes of *Star Wars*.

The Empire Strikes Back presents a rather different picture of the conflict between good and evil, culminating in the revelation that Darth Vader is Luke’s father. Now the conflict descends to the level of the human spirit. Vader is the shadow of Luke’s bright side. Luke’s experience in the mystic tree cave reveals that he carries something of the dark side within himself, while Vader’s continued refusal to kill Luke shows that some vestige of the forces of good are still at work in him. From ancient Egypt comes the “Secret of the Two Partners.” Horus, god of good, and his uncle Set, god of evil, appear to be implacable enemies, yet behind the scenes they are of one mind, two halves of the same entity, in a sense. Joseph Campbell put it this way: “Mythologically representing the inevitable dialectic of temporality, where all things appear in pairs, Horus and Set are forever in conflict; whereas in the sphere of eternity, beyond the veil of time and space, where there is no duality, they are at one; death and life are at one; all is peace.” The pairs of opposites may act out their drama in the field of the universe, but beyond time and space is the mystery of the One.

Vader and Luke, as father and son, embody this “secret.” One personifies evil but carries within him the potential for redemption, while the other personifies good but carries within the potential for evil. Beyond the struggle between them lies the hope of their reconciliation through atonement. Like the Chinese yin and yang, each contains a drop of the other.

Return of the Jedi shifts the perspective on good and evil once again. Luke’s redemption of his father is reminiscent of Christian belief. In this tradition, evil is the result of a fall from grace; Satan and his followers are rebels against the covenant of Yahweh. According to Saint Augustine, Adam and Eve are created of the goodness of God, but when they are successfully tempted by Satan to eat of the tree of

good and evil, they are born again in the devil. “Therefore there are two births, that of Adam and that of Christ, the one casting us down to death, the other raising us up to life; the one bearing with it sin, the other freeing us from sin.” In one sense, Vader, who as Anakin Skywalker belonged to a powerful spiritual elite and then rebelled against it, has fallen from grace. However, since the fallen angels of Christianity are apparently not redeemable, Vader is perhaps closer to Adam, who is human and has made a sinful choice. Adam, along with humanity, is redeemed by Christ, the son of God, who could be considered Adam’s son as well because he took human form.

By weaving in these shifting approaches to the classic conflict of good versus evil, Lucas created a complex texture that deepens our experience of the story. “*Star Wars* is not a simple morality play,” Joseph Campbell explained to Bill Moyers, “it has to do with the powers of life as they are either fulfilled or broken and suppressed through the action of men.”

The Real Menace

Alexander Theroux

“Vacant shuttles weave the wind,” wrote T.S. Eliot in “Gerontion,” his darkest poem. He should have been around today to see what hokum is now filling the void where real faith once lived.

When director George Lucas’s *Episode I: The Phantom Menace* hit the theaters, it was already a cosmic event. *Star Wars* obsessives paid as much as \$9 for more than a month simply to see the trailer of Mr. Lucas’s new film, abruptly leaving theaters when the feature came on. And Mr. Lucas has been everywhere, holding forth on the meaning of his *oeuvre*. I haven’t read one original remark that Mr. Lucas has ever

The author is a novelist living in West Barnstable, Mass. Article reprinted with permission of The Wall Street Journal © 1999 Dow Jones & Company, Inc. All rights reserved.

made in any interview; it's all just soft knowledge and New Age space mysticism. As a handy epigram, "May the Force be with you" is no more substantial than "Whistle while you work," but that hasn't stopped the culture's chin-pullers from finding profundity in Mr. Lucas's cheesy entertainments.

For make no mistake, this is a religion, with Lucas as God, the multiplex as church, and rabid fans as fevered acolytes who can both "witness" the "truth" and later show their good faith by bringing their custom to outlying stores (open until 10 p.m.!), their essential parish. From the first *Star Wars* movie 20 years ago, there have been murmurings about some "deeper meaning" to the space fantasy. But in the past few years—as the prospect of Mr. Lucas continuing the story became a reality—it has gotten laughably out of control. A guy makes an expensive futuroidal cartoon film and he becomes some kind of mystic.

As it happens, Mr. Lucas's "intergalactic fantasy" is cobbled together from Japanese samurai swords and mempo masks, fascist uniforms, naval jumpsuits, World War I German blaster guns, and monsters from Greek mythology, all draped around various oversimplified medieval "evil empire" fables. It's all very kitschy and reductive—shallow. And yet when the director humbly confesses that he would rather read a book than sit in front of a computer, he is seriously asked by Orville Schell in the *New York Times*: "Is there implicit in this view an optimism vis-à-vis the state of the human race?"

A while ago, the Smithsonian's Air and Space Museum mounted "Star Wars: The Magic of Myth," an exhibition that unabashedly pushed the metaphysical angle. The catalog described the film as "a tale of the ageless and mythic battle of good versus evil" and invoked every conceivable archetype, from hero sagas (Jason, King Arthur) to the introspective journeys of Jesus, Muhammad, and Buddha, to dress up Mr. Lucas's escapism as a "deep" narrative event.

But the palm goes to—who else?—Bill Moyers in *Time* magazine. He interviewed Mr. Lucas as if he were Hans Kung or the Dalai Lama, addressing, for example, the subject of Evil. "You've been probing"—probing?—"that for a while now," he states. "Have you come to any conclusions?" Mr. Lucas responds with deliberation, "I haven't. I

think it comes out of a rationale of doing certain things and denying to yourself that you're actually doing them. If people were really to sit down and honestly look at themselves and the consequences of their actions, they would try to live their lives a lot differently." Thanks.

It is the same twaddle throughout the entire interview—Joyce Brothers meets Edgar Guest. Light is good. Dark is bad. Evil is within us. (Or is it without?) Myths need heroes. Heroes redeem us. I think I can take Mr. Lucas in just about any morph except that of moralist, because his tales, with their machines and motifs, chases and chatter, have no more complexity than Sylvester and Tweety-Pie, Popeye and Bluto.

"Ultimately, isn't *Star Wars* about transformation?" asks Mr. Moyers. (The answer, not surprisingly, is yes.) The interview concludes with theologian Lucas, head in hand, deep in thought, pondering the verities, leaving us with one more bet-hedging mouse masquerading as a mountain: "I think there is a God. No question. What that God is or what we know about that God, I'm not sure." Now that is what I call going out on a limb.

What hypocrisy! None of this is about God, not a word of it. Certainly the actors don't think so. "All these people are coming to me with posters to sign, 'May the Force be with you,'" Ewan McGregor told *GQ*. (Mr. McGregor is one of the stars of *The Phantom Menace*.) "People have actually said that to me. 'May the Force be with you, Ewan.' I think that's quite batty." It is. In our restless emptiness, it seems, we make shrines of the coziest spaces at hand.

What all this *is* about is Mammon. *The Phantom Menace* hysteria is a form of mega-selling by way of biddable journalists and the cheap-collectibles trade. TV broadcasters with tight jaws nightly repeat rip-and-wire facts about the movie with the intensity of a report from the Western Front. *Entertainment Tonight* devoted an entire week to pushing the film. *USA Today* ran a daily countdown. *Premiere* put out a "Special Collector's Issue." A corporation in Massachusetts, according to WXTK radio, declared a holiday the day of the film's premiere.

The orgy of tie-in items resembles the 17th-century's Tulip Craze. Hordes of fans bulled through Tower records when the *Phantom Menace* soundtrack was released, and the same mania prevailed

when the toys of the movie's main characters became available. It is terrifying to see people scrambling this way for anything. But for this nonsense?

Where did it all begin? Did entrepreneurs get together, say, five years ago and by some sort of astro-algebra draw up plans for a cultural takeover? One can buy Phantom Menace toothpaste ("Galactic Bubblemint Flavor"); Phantom Menace candy; Phantom Menace coloring books ("Battles to Color"); Phantom Menace skateboards; and Phantom Menace Lego systems (the "Light Saber Duel," with 50 pieces, is only \$6.29). What's so creepy about it is that everyone's aboard: Colgate, Pez, Hasbro, Toys 'R' Us, K-Mart. There must be kids dropping whole fortunes on this stuff.

Pre-K and Grade 1 books like the *Jedi Readers* (with "collectable stickers inside") are competing on bookstore shelves with pseudo-sophisticated handbooks such as "The Essential Guide to Droids." Dark Horse publishers, which issues "Star Wars" comics every month, is now offering a line of toys of Watto, Jar Jar Binks, Darth Maul, and Anakin Skywalker. Then there is the *Queen Amidala Paper Doll Book*, for children who want to be creative—or, as Messrs. Moyers and Lucas no doubt believe, who want to *probe their spiritual side*.

Explaining his own role in this marketing onslaught, Jim Meigs, the editor of *Premiere*, told the *New York Observer*: "Having four covers, on one level it's a gimmick to appeal to the obsessive fan. But it's not just another movie. It's more than that." Sure it's more than that. It is a money-making machine to sell merchandise to American kids, all the while pretending that something mythical and meaningful and morally *important* is going on.

There is God, and there is Mammon, and we have it on the best authority that you cannot serve both—that is, if it's still okay to cite an ancient sage whose wisdom did not come from making a movie.

LIBERTARIANS, AUTHORITARIANS, COMMUNITARIANS

From the Libertarian Side

Biting the Hand That Feeds You

After growing weary of late doorbells, local officials in Longmeadow, Massachusetts, with the support of voters, enacted a ban on door-to-door solicitations after 8 p.m. Feeling that the 8 o'clock cutoff was a reasonable compromise between the right to canvass and the desire for privacy, the town citizens were surprised when the Massachusetts Civil Liberties Union filed a federal suit on behalf of a nonprofit environmental rights group. According to the *Boston Globe*, Clean Water Action asserts that the new bylaw is unconstitutional. The group's normal hours to hit neighborhoods are 4-9, with the last hour apparently being the most lucrative. While regretting that the lawsuit has "put a strain" on the organization's relationship with Longmeadow residents, Action's local director stated that if "every town decided they were going to have an 8 o'clock ordinance, it would shut down that portion of our outreach operation."

Not surprisingly, town residents are not pleased with the lawsuit. One reason for enacting the bylaw had been the simple fact that for a large part of the year in Massachusetts it is completely dark by 8 o'clock, thus making people wary of opening the door to a stranger. Also, parents putting their children to bed did not want that nightly routine disturbed. According to one town administrator, "People felt

they were being annoyed at hours they didn't particularly appreciate. Obviously you can't stop it, and we recognize that you have to be reasonable."

Federal rulings on similar cases in Connecticut and Wisconsin have ruled against towns that had attempted to enact the same cutoff time. While those cases are not binding in Massachusetts, they do foretell of the possibility that if it loses the case, Longmeadow would have to pay Clean Water Action's legal fees and possibly thousands of dollars in damages. Whatever the final ruling, Clean Water Action might not find Longmeadow particularly hospitable to their fundraising efforts for at least a few years to come.

Why Should a Library Be Different than a Theater?

In the public library in Slidell, Louisiana, patrons under 17 are restricted from getting R-rated videos unless their parents sign a waiver in the library providing the minor with permission to rent the restricted films. According to the *Times Picayune*, two parents have filed suit to stop the ordinance. The parents assert that "libraries should be free to all citizens." They go on to say, in what would seem to be an argument supporting the other side, that there are several items in the library that are "not suitable to young children. . . . If we start here, I don't think it will stop." Luckily they have lawyers arguing their case.

Jim Hashek, the American Civil Liberties Union lawyer filing on behalf of the parents, would like to see an opt out option be incorporated. This option would place "the burden of signing forms" on the shoulders of parents who do not want their children to have open access to the videos. A member of the police jury that imposed the rule explained that they placed the burden on parents wanting their children to have access because most working parents are generally too busy to visit the library. Further, according to the member, it is a minority of parents who are neutral about what their kids rent. A hearing is set to request the issuance of a court order to invalidate the ordinance.

From the Authoritarian Side

Guilty Until (and Even When) Proven Innocent

When Travis Robinett's urine test came up positive for marijuana use, he immediately (at his mother's expense) got retested—twice. Despite the fact that both of those tests were negative, he was kicked off the Sunnyside, Utah, high school baseball team, ending his chances for an athletic scholarship. And in Price, Utah, a female student was forced to strip down to her underwear, raise her arms, and spin around as her principal, a female, examined her. The principal, following the directions on a drug testing kit, was making sure that the girl was not hiding a substitute urine sample. (Now the target of a lawsuit, the school has stopped such searches.)

Such stories, unheard of a few years ago, are increasingly common as drug testing in schools has recently become much more widespread. As reported in *U.S. News and World Report*, kids wanting to play in the band at Olentangy Middle School in Lewis Center, Ohio, must be prepared to submit to random drug tests. The story is the same for teens in Cave City, Arkansas, who want to go to the prom, or even just go on a field trip. Hundreds of schools now subject large parts of their student bodies to drug tests.

The spur for much of this testing was the decision last October by the U.S. Supreme Court to let stand a federal appeals court ruling that condoned random drug tests on all students who are in extracurricular activities. (In 1995, the Supreme Court upheld random drug tests for student athletes, citing the status that athletes have as role models.)

Beyond false positives, the effectiveness of such tests is being further stretched by new "technologies." One can now purchase prescreened urine on the Web, from a company called Privacy Protection Services. The product comes in a pouch and has a delivery system that can be strategically placed so that it looks as if the urine is being produced naturally. Also included is a heat source and monitoring system to ensure proper temperature. Kenneth Curtis, the president of the company, produces the urine himself.

From the Community

Moving a Whole Town

Residents of Minor Lane Heights, Kentucky, were given an option of relocation when the Louisville International Airport opened one of two new runways. As happens frequently throughout the country, a federal relocation effort offered to purchase residents' homes so that they could move to a quieter area. But the way the residents responded to their situation was anything but typical.

After weighing their choices, the town stated that their relocation was contingent upon the whole town of 552 homes and a nine-member police station being moved to a single new location. Initially caught off guard, officials at the Federal Aviation Administration are now so pleased with the idea that they are hoping Minor Lane Heights could create a model for future towns confronted with similar circumstances.

According to the *New York Times*, the FAA provided a \$10 million grant, which was matched by the airport, to pay for a new location. A total of 287 acres of farmland were purchased. Each old home will be bought by the relocation program in exchange for a house at the new site (or in exchange for cash, as some residents took the buyout option and moved elsewhere). In one case four families arranged for their new homes to be built in a similar proximity to their Minor Lane Heights arrangement.

In the fall of 1999 a group of 50 families will begin the first phase of establishing the new town, which will be called Heritage Creek. As a bonus, on average the new homes will be larger and will have one additional bath.

Let's Do Lunch

For three years Stephen Bohot, a quality assurance manager for Boeing, has had a regular lunch partner. Once a week Bohot gets together with Michael, a third-grader, at Michael's elementary school north of Seattle. After eating and chatting, Bohot will stay around to play games, toss a ball, or talk some more.

The two are participating in “Lunch Buddies,” a particularly convenient and safe variation on the big-brother/big-sister concept. As reported by the American News Service, the program seeks to pair volunteers with children who have recently been through some traumatic event, need better social skills, or simply need to develop the self-confidence that can grow from such a relationship. Laura Reidt, the program coordinator, said that each adult is screened by a school administrator and a background check is performed by the state patrol. In addition, all activities take place at the school.

While the buddies only spend 40 minutes a week together, the impact can be surprisingly large. “That person shows up for them and gives them their undivided attention and shows they care about them,” says Reidt. “Many of the children may not have that from their own family members.” Others simply need an adult friend who won’t judge them the way a parent might. Leah, a second-grader whose parents are divorced, says her buddy makes her feel special, and that when she grows up she’d like to be an adult buddy, and “make another kid feel good.”

Rachel Mears

To receive The Communitarian Network’s FREE monthly electronic newsletter, The Communitarian Update, send the message “subscribe comnet,” followed by your name, to listserv@hermes.circ.gwu.edu.

RESEARCH NOTE

The Spreading of Communitarianism

Richard M. Coughlin

This brief report presents the findings of a study of citations appearing in a wide range of scholarly and popular periodicals mentioning communitarianism or related terms. The search was conducted using Dialog, a comprehensive on-line database of bibliographic citations, and covered the ten-year period of 1988 through the first three quarters of 1998. In all, the search located 8,805 citations, of which a subset of 2,935 items was randomly selected for closer examination.

The first notable finding of this study is that references to communitarianism increased dramatically from the late 1980s to the 1990s. In 1988 there were only 108 citations. The total nearly doubled in 1989 to 186, rising further to 291 in 1990 before doubling again to 585 in 1992 and 1,005 in 1993. Between 1995 and 1997 the citations peaked and then leveled off in the range of 1,392 to 1,476 per year.

Over the entire period of 1988 to 1998, 59% of the citations came from academic publications, while 41% were from nonacademic publications. A handful of citations (0.1%) could not be coded due to insufficient information about the publication. There was a tendency for communitarian citations to appear mostly in academic outlets from 1988 to 1991, followed by a shift to a slight majority of citations in nonacademic sources in 1992, and then back to mostly academic sources from 1993 to 1998.

From 1988 to 1998, 71% of communitarian citations came from U.S. publications, with 22% from foreign sources. The remaining 7% of the citations could not be coded due to insufficient information. The citations were predominantly in U.S. publications in all of the studied years, although the relative frequency of foreign sources increased slightly, especially from 1995 to 1998.

We attempted to classify the publications containing citations to communitarianism by a rough measure of intellectual influence (high, medium, or low). Over the entire period covered, a total of 41% of the citations appeared in publications judged to be of low influence, 30% of medium influence, and 29% of high influence. On a year by year basis, the relative incidence of communitarian citations in low influence citations tended to decrease. Correspondingly, there was a slight tendency for citations to appear more frequently in high influence publications.

Finally, we looked at the breakdown of citations between two broad threads of communitarian thought: the first category consisted of citations that address character, morality, or related aspects of communitarianism; the second consisted of references focusing on communitarianism as it relates to political theory. Character/morality citations amounted to 60% of all citations from 1988 to 1998. Over the same period, citations that addressed communitarian political theory comprised 33% of the total. The remaining 7% could not be coded due to insufficient information in the title or abstract.

There was a tendency for communitarian citations to shift from “political theory” in 1988 to “character/morality” beginning in 1989 and extending all the way through 1998. This trend strongly reflects the movement of communitarianism from a debate restricted almost entirely to political philosophers during the 1970s and much of the 1980s, to a more broadly based movement and dialogue represented by The Communitarian Network and the writings of Amitai Etzioni, Robert Bellah and his associates, and others.

KALEIDOSCOPE

JAPAN'S LOLITA TRADE—STARTING TO RECEDE?

Child prostitution and pornography, which occur in hidden corners in many societies, occur in the open and in great numbers in Japan. Pornography featuring teen and preteen girls, some as young as five years old, is commonplace. One can purchase magazines with titles like *After School Play Mates* and *Anatomical Illustrations of Junior High School Girls* in regular bookstores and markets, although some of the more blatant publications are only found in stores in or near red-light districts. As for pornographic films, secretly taped videos of children in public toilets and school changing rooms are not only available for purchase, but are openly advertised by mail order companies.

The practice of adult men giving money to children as young as 12 (and some even younger) in exchange for sex is also relatively mainstream. While straightforward prostitution does occur, more common is *enjo kosai*—teenage girls “dating” older men in exchange for money and gifts. A 1996 poll in Tokyo found that 4 percent of junior high school girls had been involved in such relationships. A much larger number, 25 percent, had taken part in “telephone clubs,” in which men pay to have erotic conversations with girls. (When asked why they engage in such practices, these generally middle-class girls say they simply view it as a way to earn money to expand their wardrobes, buy new electronic goods, etc.)

In 1994 the Japanese government ratified the U.N. Convention on the Rights of the Child. One of the convention's requirements is that

signatories take measures within their own borders to protect children from sexual abuse and exploitation. At the time, the Japanese government did not act.

More recently, Japan has come under fire for its extensive contributions to child pornography in cyberspace. (Estimates are that about 80 percent of the sexually explicit photography on the Internet involving minors originates in Japan.) Human rights groups, including the United Nations' Children's Fund, and law enforcement agencies in other nations have led the outcry. This pressure from abroad, in addition to prodding from domestic religious and women's groups, finally moved the Japanese Parliament, in May of 1999, to enact a law aimed at protecting children from sexual exploitation. As reported in Tokyo's *Daily Yomiuri*, the new law, which is not yet in effect, will ban paying for sex with children 17 and under, helping to set up such liaisons, or distributing pornography involving children of the same age range. For each offense the penalty is a fine and up to three years in prison. *Enjo kosai* is also proscribed by the new law, but telephone clubs are not.

The new law does not limit itself to the nation's borders. It also bans the Japanese from paying for sex with minors in other countries, a problem that has already been curtailed. Just a few years ago many Japanese travel agencies organized sex tours that were specifically aimed at linking men with child prostitutes in countries such as the Philippines and Thailand. In the late eighties estimates of the number of children in Asia involved in prostitution or pornography were as high as one million, and Japanese men made up a significant part of the market. Recent changes in the laws of those other nations, though, have almost eliminated such trips.

Of course, a change in the law will not guarantee a change in behavior. Jacques LaPointe, a Catholic priest from Canada who has lived in Japan for years and was very active in the efforts to draft and pass the legislation, is restrained in his enthusiasm. "The fact of the matter is that the law is one of the weakest in the world," he told the *Daily Yomiuri*. "We also need to take at least a full year to find out how much bite the police are going to put on it."

The new law was not unopposed. Most notably, Japan's largest opposition party, the Democratic Party, raised objections on the

grounds that it would encroach upon the freedoms of speech and expression. These objections, and those of publishers, led to years of delays and extensive revisions. (For example, the maximum penalty for paying for sex with a minor was reduced from five years to three years.)

The law includes a provision to re-examine it after three years.

When it's Legal to Lie

In our Fall 1996 issue, we ran a symposium that asked a panel of distinguished judges and lawyers the following question: Does a lawyer have commitments beyond those to his or her client? As the below selection from a Center for the Community Interest press release shows, the question has yet to be satisfactorily answered:

"In his opening statement, [defense attorney Marvin] Kornberg suggested to the jurors that the ruptured rectum and bladder and other severe internal injuries sustained by [Haitian immigrant Abner] Louima (who is married with two young children) were actually the result of consensual anal sex Kornberg asserted [that] Louima's feces 'contains the DNA of another male.' Kornberg never produced a shred of evidence to support this scandalous charge, and apparently had none. . . .

"The law gives Louima legal recourse for the physical assault by Officer Volpe, but not for the second rape by defense attorney Kornberg. That's because statements made in court proceedings—no matter how patently untrue and destructive—have 'absolute immunity' from legal action for slander or libel. While this privilege applies to witnesses as well as lawyers, witnesses swear an oath of truthfulness and can be prosecuted for perjury. But lawyers can lie with impunity. And criminal defense lawyers—motivated by an ideological zeal that justifies any treachery in the name of defendants' rights—have increasingly abused this privilege Defense lawyers have suggested that little Megan Kanka provoked her attack by sexually flirtatious conduct, and that murdered schoolteacher Jonathan Levin, son of Time-Warner chief Gerald Levin, was a drug dealer."

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