Up Front

**What's Wrong and Right about Outcome-Based Education?**
William J. Bennett; 
**Teaching Unity in the Classroom** Nat Hentoff; 
**Parental Filters for Television Violence** Amitai Etzioni; 
**A New Approach to Sex Offenders** Anonymous

Essays

**New Paradigm**

*Foundations of Communitarian Liberalism*  
Philip Selznick  
How can we moderate liberal thinking to take communitarian considerations into account on three major fronts?

**Communitarian Economics**

*Communitarian Economics: Criticisms and Suggestions from the Left*  
Charles Derber  
Socioeconomic developments in Europe point to ways the U.S. economy can become more communitarian.

**A Communitarian Balance**

*A Right to Housing?*  
Robert Ellickson  
Guaranteeing housing does not improve housing conditions. How can the government assure opportunities instead of welfare rights?
Character Education and the Creation of Community  
James S. Leming

Most approaches to character education have failed. Here’s what works.

From the Community Bookshelf


Review of Donald P. Judges' Hard Choices, Lost Voices: How the Abortion Conflict Has Divided America, Distorted Constitutional Rights, and Damaged the Courts

Review of Ellen Mensch’s and Alan Freeman’s The Politics of Virtue: Is Abortion Debatable?

Jonathan B. Imber

Especially Noted

Community Action

Youth Violence: Gangs on Main Street
Carole J. Hamner

Authoritarians, Libertarians, Communitarians

An RC Document

Minicase

Juvenile Curfews: A Safer Community or a Loss of Rights?
A Safer Community Overtis Hicks Brantley
A Loss of Rights Robyn E. Blumner

Commentary
Harvey Grossman, Peter Skerry

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What's Right and Wrong About Outcome-Based Education

There are serious, legitimate concerns surrounding outcome-based education (OBE). In principle it sounds good. In practice, however, OBE can be used to undermine parental authority and traditional moral and religious beliefs. This explains why much of the criticism of OBE has come largely from parents’ rights groups.

The key to understanding OBE is in the distinction between cognitive outcomes (such as the development of intellectual abilities and skills) and behavioral and social outcomes (such as the shaping of social attitudes, values, and interpersonal relationships). A case can be made on behalf of OBE if it is confined to cognitive outcomes, that is, if we objectively measure students’ knowledge in the basics—math, science, history, and English. Some people still believe that OBE can be used to advance such ends (a good example of OBE, properly utilized, is the current high school Advanced Placement exam, in which a student does not get credit for his or her course without demonstrating proficiency in a rigorous nationwide test). This explains why conservative education reformers like Chester Finn, Jr. have spoken well of cognitive-based outcomes.

The real concern is when those in the education establishment use OBE to (1) do away with objective measurable criteria (like standardized tests), (2) do away with the traditional subject-based curriculum in favor of an emphasis on things like general skills, attitudes, and behaviors, and (3) advance their own radical social agenda. Increasingly OBE is applied to the realm of behavior and social attitudes—becoming, in effect, a Trojan Horse for social engineering, an elementary and secondary school version of the kind of “politically correct” thinking that has infected our colleges and universities.
Outcome-based education raises a number of questions: What if parents do not want their children to view all lifestyles as equal? What if a young person has developed strong personal convictions based on traditional moral standards? Will students who do not give “appropriate” responses to desired “outcomes” still be allowed to graduate? It is also worth noting that little in the way of public input is sought when it comes to OBE, and it offers no method of accountability.

There are some other problems associated with OBE:

- The “dumbing down” of classes. Many of the curricula being developed call for teachers to wait for all students to understand all aspects of a subject before moving on. Many parents fear that this will penalize more advanced students.

- Traditional education terms are being reinterpreted. In some programs, cognitive now refers to “a belief system” and critical thinking refers to “a willingness to question everything, including one’s deepest convictions, beliefs, and relationships.”

Some of the confusion surrounding OBE is based on semantics. The conservative education reform movement of the 1980s wanted to focus on outcomes (knowledge gained, for example) instead of inputs like dollars spent. The aim was to ensure greater accountability. What the education establishment has done is to appropriate the term but change the intent.

The bottom line, then, is that the outcomes increasingly being measured are not based on objective and measurable criteria like standardized tests; the state-desired outcome is increasingly based on vague, subjective social aims. Consider some of the vocabulary that surrounds OBE: words like “openness to change,” “appreciation of the global community,” “tolerance,” and “higher order thinking skills.”

There is a big push in the country on behalf of OBE. But unless some means are found to ensure that OBE serves the traditional aims of sound intellectual and moral education, it should be resisted.

William J. Bennett
Teaching Unity In the Classroom

The speaker holds up a rather frayed ten dollar bill and asks his audience—community leaders, teachers, or journalists, depending on the engagement—to name the five freedoms guaranteed by the First Amendment. The prize is the ten dollars.

A frequent lecturer, he has yet to find a winner, according to his colleague, Paul McMaters of the Freedom Forum First Amendment Center at Vanderbilt University.

In visiting secondary schools and colleges, I have had a parallel experience with the Fourth Amendment. I ask what’s in it, and there is dense silence.

I tell them it’s about the crucial limits on the government’s right to search their homes or their very persons. That doesn’t help much. They do not know that the police must have a warrant based on probable cause and particularly describing what and who are to be searched.

Nor have I found any student—or journalist for that matter—who knows all the five freedoms packed into the First Amendment.

But I haven’t visited Corine O’Donnell’s fifth-grade class at the Campbell Elementary School outside Denver. On the blackboard, I am told, is the word “GRASP,” which would win any of the students that $10 prize, for they have learned that the five freedoms in the First Amendment are: Grievance (petition for redress), Religion (freedom of), Assembly (the right to), Speech, and Press.

Corine O’Donnell uses the Education for Freedom Curriculum developed by the First Amendment Congress at the University of Colorado in Denver. Its executive director, Julie Lucas, notes that in the schools now there is—with regard to the Constitution—almost “an illiterate generation, which doesn’t want to participate in government and doesn’t see the need. And who is quite content to let some other people make decisions for them.”

In the schools there is also an increasing separation between races and ethnic groups. In most parts of the country, I have seen self-segregation at lunch tables and in the school corridors. At colleges,
administrators have timidly legitimized this self-segregation by setting up separate resident buildings.

Garry Trudeau in *Doonesbury* foresees the eventual demand by black students for separate drinking fountains through the university.

Ramon Cortines, the chancellor of New York City’s school system, feels that a lively understanding of the fundamental freedoms that all Americans share—but they first have to know about them—might begin to transcend this tribalism.

A student in a Harlem school had said, a few days before I saw Cortines, that she did not consider herself an American. America has no use for blacks, she emphasized, and so she had no use for America. I wonder if she knew how powerfully the First Amendment was used by Malcolm X, by Jesse Jackson, by the Student Non-Violent Coordinating Committee. And, indeed, by Louis Farrakhan.

A while ago, I had a long conversation with New York City College professor Leonard Jeffries, another fervent tribalist. He had won two federal court decisions restoring him to his Black Studies chairmanship and awarding him damages. I asked him what he had learned from his court victories. “I have a great appreciation now for the First Amendment,” he told me. I suggested he might tell that to his students.

The Education for Freedom Curriculum, which has begun to unite the tribes in some classrooms, is spreading around the country, but most schools still have nothing like it. And Ramon Cortines told me that while the city’s bar association has sent volunteers into some New York schools, he could use many more.

Meanwhile, Sheldon Hackney, the chairman of the National Endowment for the Humanities—himself a late learner about First Amendment guarantees while president of the University of Pennsylvania—has initially budgeted $1 million to finance a number of nationally televised town meetings to discuss what binds us all together as Americans. He calls them “national conversations” that can reduce tensions.

Once more, adults will say to the cameras what they have often said before, and youngsters will be watching MTV. Dr. Hackney can
make a much more durable contribution to enabling youngsters to discover America by putting that money into making the Bill of Rights and the 14th Amendment come alive in classrooms. He can also bring into schools all kinds of Americans who have effectively used constitutional guarantees.

Students could then begin to believe that they actually do share some very basic and personal rights—just as Cesar Chavez, Malcolm X, and William C. Douglas did. Dr. Hackney ought to bring schoolkids into his “national conversations.”

Nat Hentoff

Parental Filters for Television Violence

Although enough red herrings have been employed in the defense of violence on television to cover even the largest TV screen, their fishy nature is apparent. We can readily scrape them off and engage in a serious examination of ways to remove gratuitous violence from the tube. I will show that it is easy to filter out the mayhem and smut on the tube without introducing censorship even of the indirect kind.

Red Herring #1: Violence in the media doesn’t cause violence; poverty and guns do. The average income of Americans has grown over the last generation and guns have become somewhat more difficult to acquire legally, yet violence has grown by leaps and bounds. Red Herring #1 reflects the curse of thinking in terms of either/or. The fact is that while poverty and guns are major causes of violence, the images we acquire from the media also play a role. The powerful influence of the screen is borne out by the death of the unlucky teenager who learned to play “chicken” with speeding trucks from watching The Program, a Disney film. Beavis and Butthead, MTV’s hit serial, is reported to have convinced a young boy to burn down a mobile home. His two-year old sister was killed in the blaze. Experimental evidence further buttresses these observations. I find particu-
larly convincing a tape showing an infant watching a violent film; as the action grows more abrasive, he attacks the teddy bear in his hands ever more aggressively.

Red Herring #2: *You can’t have art without violence.* Drama requires, they tell us, building tension that can later be released. Lady Macbeth will eventually be dragged away by the same antiviolence squads that would today can *Rambo.* Be serious. From *Moby Dick* to *The Old Man and the Sea,* writers have found numerous ways to mount tension and to release it, even to titillate, without squirting blood in your face and pouring body parts all over the screen. Hamlet and company are not in any real danger either. True, we shall always bicker over a few borderline cases, but it’s not difficult to distinguish conflicts inherent to a story from gratuitous violence. And when violence must be introduced, it doesn’t have to be thrust in the audience’s face. Hearing a slap is more subtle but no less effective than watching skin being slashed; seeing a shadow wielding a knife will suffice for most dramas without having the victim’s guts spill into her lap. Most important, violence can be framed, as it often is on the evening news, not as a great psychological respite from the day’s pressures, but as a vile act that leaves in its wake distraught parents, orphaned infants, and paralyzed youngsters.

Red Herring #3 (the biggest of them all): *Curbing violence will lead willy-nilly to censorship.* True, some proposals might put us on a slippery slope by creating a government or industry agency that would rate TV programs. These proposals might lead to a ban on programs that have triple V (for violence) ratings during the hours that kids are about, as such agencies have done in Europe. A simple technology exists, however, that can enable parents to filter what their children watch, while avoiding government controls on the content of what is produced and marketed by the media.

I call this device parental filters; others refer to it as “VCR-minus.” The gadget draws on the same five-digit numbers published daily in newspaper TV listings for coding VCRs (or VCR-plus). All those who have trouble programming their standard-issue VCRs need to do is punch in the correct digits (about as onerous as “dialing” on a touch tone phone) and the VCR will record appropriately. A VCR-minus has the opposite function; it blocks selected programs
from being shown. You can program it once to screen out all Bruce Lee movies for the rest of the year or to block out blue channels permanently.

Parental filters allow parents to select what their children view, without government and without industry-issued ratings. No violation of free speech is involved; on the contrary, it is a parental responsibility to guide what their young children hear, see, and read (in some circles this is called, quite properly, education). The notion, advanced by TV activist Peggy Charren, that parents should simply tell their children what to watch or to turn off the TV, ignores that today’s children are often home alone.

The VCR-minus differs from the V-chip favored by Congressman Edward Markey, although the chip may also do the trick. Markey favors obligating TV manufacturers to activate a chip already in all new TV sets so that it can respond to signals of V rating. The chip was originally introduced to provide closed captions for the hearing-impaired, but as Markey explains, it has room on it for the additional encryption. Under Markey’s bill, the TV industry would be required to rate its products and to transmit signals that would alert the chip to the extent of violence in the particular show being broadcast. Parents could screen out TV shows on the basis of the violence level they’re willing to tolerate for their kids. Because this approach requires the cooperation of TV manufacturers and broadcasters, I prefer parental filters, which leave the choice completely to parents and require no cooperation from any other party.

Over scores of lunches and radio call-in shows, I have sung the merits of parental filters before numerous groups. In every case, someone has snickered and suggested Red Herring #4: Parents cannot operate such devices; they will have to rely on their children, who will disarm them in a jiffy. When I point out how easy a VCR-minus is to operate and that the children at issue will be young, not advanced adolescents, someone inevitably raises Red Herring #5: Those parents who most need to control their sets will be least likely to bother. “Those parents” is a phrase that is sometimes racist and always snobbish; I do not believe that conscientious parents can be found only in the suburbs, nor is it necessarily those in inner-cities who need parental screening most. Let me hasten to add that it does not matter. If only 10 or 15
percent of the parents in any market activate their filters, advertisers will quickly move their program-enabling dollars elsewhere, and excessively violent TV shows will die on the vine. The mere mention of some programming as particularly offensive has already caused some advertisers to withdraw. The introduction of parental filters will strongly motivate advertisers to respond to parental concerns.

Unfortunately, you cannot rush to the store to buy a parental filter yet. Like air bags in their early days, the technology is only now being perfected, and until there is substantial demand for it, the devices will continue to be unavailable and expensive. Parents’ groups, educators, and other concerned parties should support efforts by The Communitarian Network to champion parental filters, recently also endorsed by the Character Education Partnership. Art, the First Amendment, and America will all survive quite nicely if violence is curbed on the screen by parents, and as a result, subsides to some extent on the streets.

Amitai Etzioni

A New Approach to Sex Offenders

Recently, a debate has arisen in this country over requests by sex criminals that they be permitted to undergo the surgical operation known as orchiectomy—more plainly, castration. The argument began in 1992, when Steve Allen Butler, a previously convicted child rapist, asked Judge Michael McSpadden, of the 209th Criminal District Court in Houston, to let him be castrated rather than go to prison. McSpadden acceded to this request, setting off a hubbub that raged through the talk shows. Local black leaders contended that the bargain was racist, because the offender in the case was black. The director of the Rape Crisis Program at the Houston Area Women’s Center opposed castration on principle, even when it was voluntary.
She asserted that rape is a crime of violence, not of sex, and therefore the operation would not affect Butler’s tendency to offend. The general counsel of the American Civil Liberties Union in Houston was already on record as opposing castration, having raised the specter of Nazi sterilization programs. In the face of the controversy, doctors who had volunteered to perform the operation backed out, leaving the judge with no option but to send Butler to prison.

Since then, however, other sex offenders have come forward with similar requests. They draw attention to the failure of our present approaches to dealing with sex criminals. A comprehensive study of the effectiveness of various therapies which appeared in the *Psychological Bulletin* in 1989 concluded that “the recidivism rate for treated offenders is not lower than that for untreated offenders; if anything, it tends to be higher.” Other studies have reported equally dismal findings. Sex criminals reoffend at high rates no matter what the treatment.

The State of Florida, once a pioneer in the humane treatment of sex offenders, has thrown up its hands and retreated to long prison sentences. Washington State recently enacted a “sexual predator” law, which provides indefinite terms of confinement for habitual offenders. Governor Pete Wilson of California, now running for re-election, has proposed life sentences for some first-time sex offenders. Other states have continued to explore therapeutic approaches ranging from role playing to olfactory aversion therapy. According to Dr. William Pithers, the psychologist who directs Vermont’s program, “the most successful candidates for treatment are men who have no other criminal record, have an established network of family and friends, and are not so preoccupied by their fantasies that they think of them hours a day.” Few offenders meet such standards.

One out of six prisoners in the federal and state systems is a sex offender. The offenses include everything from exhibitionism to pedophilia and rape. Given the compulsive nature of the behavior of sex criminals, their share of the prison population is bound to rise with the passage of the “three strikes and you’re out” proposals now sweeping through Congress and the legislatures. Although there are differences between men who fondle and men who rape, most sex criminals actually commit a variety of offenses as well as an appalling
number of them. An eight-year study by Emory University researchers of 561 male offenders who had voluntarily sought treatment reported a total of 291,737 specific acts committed against 195,407 victims. The average offender had been arrested in about 1 out of 30 crimes he committed; some had never been arrested at all.

Can a sex offender be cured of his need to offend? Of course he can, given the will to change, given the opportunity, given the proper care and treatment. Unfortunately, these elements rarely meet in the case of the chronic offender, and, even when they do, the struggle toward reform is likely to be lengthy and marked by failure. Anyone who has gone through the torment of giving up smoking or drinking, or of following a prolonged diet, can testify to the difficulty of changing a compulsive behavior. And yet, when the urge to eat or smoke becomes overwhelming, the consequences are merely personal. When sex offenders fail, other lives are destroyed.

Why, then, resist the demands of men who are willing to risk sacrificing sexual activity in order to be free of their damaging impulses? Most of the arguments against voluntary castration are based on misconceptions, such as the common belief that it is a barbaric practice that has been used only in Third World countries. The fact is that it has been effectively and humanely used as treatment in Denmark, Czechoslovakia, Holland, Switzerland, Norway, Iceland, Sweden, and Finland. A 1973 Swiss study of 121 castrated offenders found that the rate of reoffending dropped to 4.1 percent, compared with 76.9 percent before the operation. A Danish study in the 1960s, which followed as many as 900 castrated sex offenders, found that recidivism rates dropped to 2.2 percent.

Many European countries have turned to so-called chemical castration, which involves injections of female hormones, and this treatment is also common in the United States and Canada. But, while chemical castration effectively blunts the male sex drive, it may place the subject at risk for certain medical problems, including gallstones and diabetes. Moreover, such programs, both here and abroad, are plagued by dropouts; and as soon as the injections cease, the sexual drive returns to its previous level.

That surgical castration is permanent and irreversible is a source of alarm to its opponents and of security to its advocates. An
orchiectomy is not a Bobbitt-like mutilation. It involves removing the testicles from the scrotum and replacing them with silicone prostheses that make the procedure virtually undetectable. The operation is far less invasive than a hysterectomy, for instance, or many forms of cosmetic surgery. Nor is it necessarily a “sexual death sentence,” as some opponents have called it. A 1991 Czech study of 84 castrated sexual delinquents found that 18 percent were capable of occasional intercourse and that 21 percent lived in a stable heterosexual partnership. Only three men committed another sexual offense after castration, and those offenses were not of an aggressive character. Similarly, in the Danish study, none of the rapists were found to rape again.

Some opponents of the castration option, while conceding its effectiveness, attack it on moral grounds. Here an odd double standard comes into play. A woman who is carrying a baby she doesn’t want (and many such women are rape victims) may elect to have an abortion. But a man who molests children or brutalizes women can’t ask to have his testicles removed, because that would be barbarous.

Our society is so squeamish when it comes to discussing sexual deviance that we tend to demonize sex offenders, forgetting that in many cases they themselves are victims, not only of sexual abuse in their own childhood, but also of their overwhelming sexual impulses. Most of them, every time they exercise their sexual preference, break the law. It amounts to fraud when we offer these men treatment that doesn’t work. If castration helps, why not let them have what they want?

Anonymous

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**Defining the Rat Race**

“The Washington Pentathlon. A series of events in which contestants must first hit the ground running, then get up to speed, then get ahead of the curve, then push the envelope, and finally, think outside the box.”

Source: The Washington Post
The contemporary communitarian movement is sometimes seen as antiliberal. Indeed, the “communitarian-liberal” debate is a staple of recent political philosophy. The contrast is too stark, however, and can be very misleading. Today’s communitarians are not antiliberal if liberalism means a strong commitment to political freedom, social justice, constitutional rights, the rule of law, full citizenship, and special concern for the poor and the oppressed. If communitarians criticize specific liberal doctrines, it does not follow that they reject, or fail to appreciate, the main ideals and institutions of liberalism.

Liberal ideals and institutions have taken different forms over the past two centuries and have been supported by a variety of political theories. Hence, it is best to think of liberalism as an ethos or a loose tradition, rather than as a tight system of ideas. This way of thinking invites us to consider how ideas develop and how they are deployed. We see ideologies as historical realities, bound to be composed of often conflicting strands such as, in liberalism, classical vs. welfare liberalism and popular vs. theoretical liberalism.

We are or should be “communitarian liberals” or, if you prefer, liberal communitarians. Like John Dewey, we should combine a spirit of liberation and a quest for social justice, with responsible participation in effective communities. This is not a wholesale rejection of liberalism. Rather, it is a call for a deep reconstruction of liberal theories and policies.

In this essay I want to focus attention on the ideals of liberalism: equality, liberty, and rationality. These ideals were hallmarks of
eighteenth and nineteenth century “classical” liberalism; and they continue to guide today’s “welfare” liberals. They are the true starting points for liberal reasoning; and each has made major contributions to social progress and moral well-being.

At the same time, each ideal has suffered degradation within liberal thinking; each has taken forms that are ill-adapted to our times.

Therefore we must criticize and reject some of the ways these ideals are used in drawing policy conclusions. Our main target is intellectual and practical excess. In contemporary liberalism, both popular and theoretical, there is too much reliance on the power of abstractions; too much hope that some single principle will be an unerring guide to social policy; and too little appreciation for implicit boundaries, competing values, and unintended effects. These criticisms are communitarian because they give great weight to the social frameworks within which all ideals find their limits as well as their opportunities.

**EQUALITY: MORAL AND OTHERWISE**

As used by Jefferson in the Declaration of Independence and by Lincoln in the Gettysburg Address, equality means *moral equality*. This is the postulate that all persons have the same intrinsic worth. They are unequal in talents, in contributions to social life, and in valid claims to rewards and resources. But in principle, as a starting point for moral reasoning, every adult is to be considered a responsible moral actor; and every person, grown-up or not, is equally an object of moral concern. This is not a distinctively liberal or modern idea; it has religious roots. But the secular doctrine of moral equality has been a centerpiece of liberal thought and practice; a powerful weapon against all forms of the caste principle; a great resource for overcoming prejudice, contempt, and moral stigma; and a summons to concern for individual growth and flourishing. By decisively reinforcing this ideal, and by giving it secular legitimacy, liberalism has made a major contribution to the cause of humanity.

There are, however, troubling downsides in the ways equality is perceived and invoked. A major issue is the complex connection between *moral equality* and *social equality*. How much and what kinds of social equality—effective access to health care, for ex-
ample—are called for by the promise of moral equality? This question has led to significant divisions within the liberal tradition. Classical liberalism, more concerned with form than substance, was ready to accept grave inequalities of condition, as suggested by Anatole France’s sardonic comment that “the law, in its majestic equality, forbids rich and poor alike to sleep under bridges, beg in the streets, or steal bread.” American liberalism has come a long way from that perspective. A decisive advance was made by Franklin D. Roosevelt’s New Deal, which acknowledged collective responsibility for poverty and unemployment, and when the Supreme Court, taking judicial notice of historic subordination and oppression, gave special protection to African-Americans and other victims of invidious discrimination.

These developments were anchored in history and in genuine problems. The current zest for equality, however, which we find in popular liberalism, lacks such an anchor; indeed it lacks a rudder as well. Popular liberalism has come to suppose that every kind of privilege, authority, coercion, classification, or segregation is an actual or potential affront to the subject’s dignity as a person, and therefore to moral equality. Equality becomes a powerful but untamed abstraction, a premise from which we are supposed to draw specific conclusions about social policy. On many issues, such as separate education for boys and girls, or mainstreaming handicapped or unmotivated students, there is an unwarranted leap from a premise of moral equality to a social policy rejecting segregation. Specific circumstances and competing values are given short shrift, if not ignored. Insofar as the Constitution is successfully invoked, the states and local communities are unduly limited in the choices they can make and in the diversity of practices they can countenance. In this way, ideological thinking impoverishes the textured, nuanced, problem-solving experience of community.

More important, these days, is a too easy transition from moral equality to moral autonomy. In contemporary liberalism—theoretical as well as popular—moral equality has been given this central meaning: To treat people as equals, invested with inherent dignity and responsibility, is to grant them the right to define the good and pursue the good in their own way. Stated abstractly, and applied to much ordinary experience, this makes eminent good sense. And
among liberal theorists like John Rawls, a limiting framework of moral principles is taken for granted. But in popular liberalism, and to some extent in theoretical liberalism as well, moral autonomy has come to have a more fateful significance—it is said to necessarily produce deep-seated differences in peoples’ values and outlooks. To respect these differences is to accept profound moral pluralism as a salient feature of the human condition, or at least the condition of modernity. Thus moral equality, which begins as an appeal to shared identity and therefore to what we have in common, becomes a celebration of difference and a source of misunderstanding and distrust. In contemporary popular liberalism, equality as difference threatens to swallow equality as humanity.

There is surely an important connection between moral equality and respect for diversity. But historically the principle of respect was a way of showing how distinctively human characteristics, shared by all peoples, can transcend particularities of kinship, locality, custom, and religion. Therefore cosmopolitan liberals rejected ethnocentrism and affirmed natural (or human) rights. At the same time, they disparaged localism as the breeding ground of ignorance and bigotry. In rejecting that disparagement, today’s apostles of multiculturalism have also rejected the cosmopolitan ideal.

Up to a point this rejection is congenial to communitarian liberalism. In contrast to cosmopolitan liberals, we take seriously the claims of particularity. This is so in part because we think ordinary people are entitled to respect, and the respect they want has much to do with the culture that gives them a sense of authenticity and rootedness. Such a culture very often depends on special local, religious, ethnic, or racial identities. (There are, of course, other good reasons for respecting and nurturing families, localities, churches, and other “mediating” groups.)

Does this mean we should accept, or fail to criticize, the currently fashionable politics of identity? Not so. To acknowledge that moral equality requires respect for diversity does not mean we must yield to parochial passion, or accept distortions of moral principle. When we are told, for example, that cultural assimilation amounts to genocide, or that every difference of origin or disposition is a radical difference, we should strongly object. These are prescriptions for
fragmentation. They cannot build that unity of unities we call community.

LIBERTY: FROM LIBERAL TO LIBERTARIAN

For most of its history the liberal tradition has not been libertarian. Today, however, the libertarian element has become stronger and less restrained, with important support in philosophy and in constitutional interpretation. The idea of ordered liberty, once central, has lost much of its hold on the liberal imagination. This is what troubles communitarian liberals.

If we now express concern, it is not because we dislike liberty. On the contrary, in many settings we are glad to cry “let freedom ring.” Furthermore, we accept and cherish a culture of liberty, which is by no means limited to basic protections against potentially oppressive government. Something more than the Bill of Rights is wanted. A culture of liberty provides effective opportunity for personal growth, expression, and the pursuit of individual life plans; for free inquiry and unburdened communication; and for the chance to grow up and be educated in an atmosphere that encourages criticism, reflection, and experimentation. I trust there are few among us who would wish to abandon, or even to dampen, these elements of the liberal spirit.

But contexts are decisive. It is the context that tells us what kinds of liberty are appropriate and what limits to liberty are desirable. We cannot apply what Dewey called “the method of intelligence” without continuing awareness of how contexts make a difference for abstract ideals or for abstract models of motivation and conduct. Contexts point to purposes and functions, which invite attention to important variations in what makes sense for persons, institutions, and practices. Only if we appreciate contexts can we truly act with integrity, that is, in principled ways. As I have written elsewhere:

Integrity has to do with principles, and therefore with principled conduct....A political, administrative, or judicial decision is principled if it is guided by a coherent conception of institutional morality, that is, of appropriate ends and means. A principle is not an idée fixe; not an instrument of ideological thinking; not a prejudice; not a rule to be applied mechanically. It belongs to a larger whole, which includes textured
meanings and concrete understandings as well as abstract ideas. Only if that whole is implicated can there be genuinely principled judgment. (The Moral Commonwealth, p. 323)

Failures of contextual thinking are especially prominent in current controversies over freedom of speech. Because the value at stake is so important, people are tempted to turn it into an absolute, with the result that variations in kinds of speech, and in the appropriateness of constitutional protection, are ignored or resisted. In this country a watershed of sorts was reached when freedom of speech became freedom of expression, thus widening the category of protected utterance and detaching it from the contexts of deliberative democracy, institutional integrity, or even personal well-being—indeed from context of any kind.

We now have a situation in which almost any utterance can be thought to deserve constitutional protection. This is more true of popular culture than of law, for in fact our constitutional law of free speech does recognize some important distinctions, which have drawn the fire of libertarians. But the rhetoric of free speech, even in judicial opinions, strains toward absolutism. People come to think that all speech is morally equivalent, and that any regulation is oppressive.

This strain toward absolutism in popular liberalism finds sustenance in the writings of some liberal theorists. According to Ronald Dworkin, for example, the constitutional doctrine of free speech cannot be understood or justified if we consider only the “instrumental” worth of speech, that is, its contribution to political democracy or to restraining the abuse of power. Rather, free speech has “intrinsic” worth, derived from the premise that all adults, except any who are incompetent, must be treated as responsible moral agents. Such agents rightly “insist on making up their own minds about what is good or bad in life or in politics, or what is true or false in matters of justice or faith;” their dignity is violated if opinions are withheld from them on the ground that they are not fit to consider them; and they have a compelling desire to express their convictions to others, a desire that must be honored if their integrity as moral agents is to be respected. (see Ronald Dworkin’s “The Coming Battles Over Free Speech,” New York Review of Books, 11 June 1992)
Here the concept of moral agency carries a great deal of freight, and Dworkin’s postulates are by no means self-evident. For example, it is easy to suppose that responsible moral agents, for their own good reasons, may wish to defer to the authority of others, including the authority of a tradition, rather than make up their own minds on every issue. And the desire for self-expression is highly variable, to say the least. More important than these overreachings, however, is the very idea that we can draw specific conclusions about freedom of speech from a general theory of moral responsibility. In fact we cannot know what it means to be responsible apart from knowing what it means to be a good citizen, a good physician, a good journalist, a good teacher, a good student. There is quite a leap from the abstract idea of moral responsibility to the conclusion that “any censorship on grounds of content is inconsistent with that commitment.”

I agree with Dworkin that freedoms of speech and expression have intrinsic worth. This has two relevant meanings: first, such freedoms have intrinsic worth because they are prized, not only for the social benefits they bring but also for the direct contributions they make to personal well-being; and second, because they have the capacity to sustain and enrich a wide range of values. (It follows that the contrast between “instrumental” and “intrinsic,” like many such dichotomies, is not hard and fast. Ultimately, values are tested by their consequences, and in that sense are instrumental; but that does not mean they are narrowly instrumental.) Uncoerced communication, to others and to oneself, is important for intellectual, emotional, and moral growth; and freedom of speech is valuable for many purposes, including science, education, and professional consultation, as well as self-government. Hence I also agree that the protection of free speech should extend beyond “deliberative democracy” to include many other institutions and practices.

But even so broad a commitment to free speech cannot be a substitute for focused inquiry as to how far, in what forms, and with what limits free speech will be governed by appropriate standards, including its relation to other values and purposes. In every context there are boundaries to be set and exclusions to be considered. Free speech in the classroom is surely prized in part for its intrinsic worth, but it is also constrained by the requirements of academic order and purpose. In the larger arena of the public forum we may also ask:
Does protected speech extend to the words used by panhandlers, to verbal abuse by frustrated motorists, to indecent exposure as a form of self-expression? These and many other questions cannot be answered by appeal to a premise of moral responsibility.

I do not mean to endorse a strategy that “turns away from general principle to the pragmatic (anti)principle of considering each situation as it emerges,” assessing “in every case what is at stake and what are the risks and gains of alternative courses of action,” as Stanley Fish put it in his recent book, There’s No Such Thing as Free Speech. Rather, we give effect to a principle, such as freedom of speech, by establishing a presumption that is to be afforded great weight in familiar contexts. When we define limits by taking account of the setting, including relevant purposes and other values at stake, we make sense of the ideal and give it the force it should have. This is affirmation, not abandonment.

**RATIONALITY: THE LIMITS OF SPECULATIVE REASON**

A third ideal of liberalism is rationality. It was a prime objective of the Enlightenment to release people from ignorance and superstition so that the light of rational understanding might prevail. Science and technology gained immensely from this celebration of unfettered and rational thought. So did the moral order, which was fortified and civilized by the demand that reasons be given to justify power, policy, and custom. Thus rationality joined with equality and liberty to form a liberal bulwark against arbitrary judgment and power.

The most important contribution of liberal rationality to human well-being is its support of the idea of—and the authority of—critical morality. Critical morality is our best effort to apply intelligence to moral issues. It postulates that every purported moral truth is subject to inquiry and open to correction. As Kant and other Enlightenment figures understood very well, however, the conclusions of critical morality may either confirm or amend conventional or received morality. Therefore critical morality should not be understood as wholly different from or counterposed to conventional morality.

The trouble is that the liberal quest for a wholly rational morality often leads to excessive reliance on abstract and speculative reason-
ing about human nature and social life. As the history of intellectual controversy and policy failure shows, many premises are ill-examined and the reasoning is very often seriously flawed. These exercises fail to recognize that reflection, far from being self-certifying, can lead to stupid and even disastrous policies, and that the tacit knowledge of custom is often wiser than a scheme based on explicit theorizing. This is the truth in Edmund Burke’s rejection of “speculative reason.”

A great deal can be lost when we fail to appreciate beliefs and practices we cannot fully justify (at least right now) by a clear chain of reasoning or by readily available facts. Consider, for example, John Stuart Mill’s famous “harm principle”: “The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant. He cannot rightfully be compelled to do or forbear because, in the opinion of others, to do so would be wise, or even right.” This is a noble idea, and a worthy defense of liberty, but only if its implied limits are understood. Mill took for granted a reasonably stable and viable culture, as his reference to a “civilized” community suggests. Moreover, in focusing on harm to individual others, Mill’s principle slights the significance of a moral environment. The decay of a moral environment may be subtle, and perhaps long-term, yet such decay can be crucial, not only for the community’s identity and character (which indeed should be open to criticism and change) but also to the elementary conditions of social order.

We cannot escape the sociological truth that participation in a viable culture is an indispensable source of personal stability and social discipline. The loss of culture—especially as it affects basic expectations of everyday life regarding personal behavior and social interaction—produces widespread anxiety and a weakening of social control. Although some anxiety and some lack of discipline must be accepted as costs of cultural change or renewal, it is folly to neglect the dangers of cultural destruction. Cultural destruction brings lack of motivation, including the capacity to care for children, hold a job, or resist self-destructive gratifications. It is remarkable that liberal social scientists, who have done so much to deepen our understanding of the significance of culture for human life, have failed to provide guidance for the defense of culture against destruction from within.
It may well be easier, and apparently more rational, to identify direct harms to individuals than to offer reasons for, say, restricting pornography or preserving an atmosphere that upholds civility as well as freedom. But the want of easy answers is not, in itself, a want of rationality. We may find, perhaps too late, that there were good reasons for preserving the core of conventional morality. We simply did not understand them.

A MEAGER COMMON GOOD

Compared to the ideals of equality, liberty, and rationality, the notion of a common good is more gingerly embraced in the ethos of liberalism. For communitarians this is a major concern. Of course many liberal writers and statesmen have explicitly sought the “public good,” “the public interest,” or, as in the preamble to the U. S. Constitution, “the general Welfare.” And many liberals, especially welfare liberals, have insisted that the liberal ideal of rationality requires cooperative action for rationally defined collective goals.

Yet much in liberalism has undercut the pursuit of what James Madison called, in his famous definition of faction, “the permanent and aggregate interests of the community.” A pervasive rhetoric of individualism, and a preference for individual-centered models of thought and action, has tended to marginalize conceptions of the common good. For many contemporary liberals, the so-called common good must be, inevitably, a partial and self-serving perspective, a justification for imposing the will of some people over others. Therefore, as J. Donald Moon observed in Constructing Community: Moral Pluralism and Tragic Conflicts, “the whole point of the liberal project is to discover a way in which people with different values may live under principles that they regard as just and legitimate, and the obvious way to do that is to limit the scope of political authority to unproblematic areas and to provide space within which citizens can pursue their own conceptions of the good.”

On this view, the common good will be served by limiting the reach of collective decision. If we stick to “unproblematic” areas—social utilities, we might say—then the unity of the political community will be preserved; and unity is surely a common good.
But can politics and government be divorced from fundamental values? Communitarians say no. Such a divorce too drastically restricts what can be done through collective action, including representative government to solve the community’s problems and meet its responsibilities. These problems have to do with the allocation of resources; with taming as well as liberating the play of interest and power; with the quality and direction of our institutions; with the substance of education; with how we respond to discrimination, poverty, and disorder; with the fate of the environment; with our responsibilities as a nation within a world made new by technology and shadowed by fragmentation; and much, much more that can hardly be called “unproblematic” or innocent of value choices.

It is sometimes said, by liberals fearful of domination, that there is no “common good.” There are only plural and competing goods. The implication is that we need not bother with an elusive but integral conception of the good; we need only worry about the choice of specific goods. But what criteria shall we use in making such choices? How shall we establish priorities and make tradeoffs? Just because we have competing interests and many goods, we must make collective decisions about priorities and tradeoffs; and this requires a collectively established conception of what will make the community better off or worse off. On a great many issues, including major value choices, we must pull ourselves together, as a community, and take thought as to what kind of a people we are and how we should deal with our urgent problems.

In the liberal project, as currently defined by liberal theorists, the political community is a bare framework within which autonomous choices can be made. We are not to seek, through politics and government, the kind of community that will best redeem the promise of human fellowship or most closely approximate the potential for human growth, creativity, and responsibility. As John Rawls writes in *Political Liberalism*, the liberal state can no more act to “advance human excellence...than it can act to advance Catholicism or Protestantism, or any other religion.”

On the contrary, within a liberal community there is much room for secular judgment as to what the community may aspire to as well
as what it must guard against. These aspirations, and the way to achieve them, are inevitably contested, sometimes very vigorously. That is where democracy comes in. A constitutional framework limits what democracies can do, especially by indicating what rights must be protected in the course of collective judgment. Beyond, however, lies a realm of democratic opportunity, governed by the morality of deliberation and by a shared commitment to determine and implement the public interest.

It is a parody of democracy to say that democratic institutions are mainly geared to managing diversity; and that the main evil to be considered is moral coercion, that is, the burden of accepting, as legitimate, conclusions that offend one’s moral convictions. We should have greater confidence in human resilience and in the possibilities of accommodation. We should be more realistic and focused in what we take to be unacceptable moral coercion. We should not leap to the conclusion on specific issues that differences are deep and opaque, impervious to argument, wholly irreconcilable.

People often ask, who decides what is the common good? The answer is we all decide, not by abandoning our special interests and perspectives but by transcending them as necessary and by discovering ways of binding them to more comprehensive interests and ideals. The objective is to advance social learning, through deliberative institutions, and to encourage knowledge of and sacrifice for the common good. Therefore democracy looks to substance as well as to procedure.

We cannot and should not expect a fully shared conception of the common good; we must always presume plurality and dissension. Nevertheless, democracy is, above all, a way of exercising collective will. That will is tied down, as Jefferson said, “by the chains of the Constitution.” But the mission of democracy is to make a virtue out of the necessity of common life, and to do so by solving problems and bringing people together, not mainly by keeping them from one another’s throats.

In short, a communitarian morality recognizes the compelling power of liberal ideals while also noting that much liberal rhetoric, philosophy, and policy has been overly individualistic, ahistorical, and insufficiently sensitive to the social sources of selfhood and
obligation. These deficiencies have nurtured the abstract, uncontextual modes of thought, and the strains toward absolutism, which I have discussed above. The communitarian response seeks a new blend, one that treasures liberal values and institutions but also takes seriously the promise of community and the perils of ignoring the need for community.
Communitarian Economics: Criticisms and Suggestions from the Left

CHARLES DERBER

Communitarians have helped diagnose a national crisis that is threatening families and neighborhoods and undermining our democracy and sense of common purpose. Furthermore, communitarians have begun prescribing some of the moral medicine to heal our wounded communities. But restoring morality, family values, and community will take more than a critique of individualistic values and a dedication “to shoring up the moral, social, and political environment”—the credo the Communitarian Network proclaims on its stationery. Left out of the prescription is a new economics, an essential foundation for a renewed morality and civil society.

Communitarians have rightly sounded the alarm about social crises, such as the fate of our children: the innocent victims of tidal waves of divorce, broken families, domestic violence, and child neglect and abuse. But they have been startlingly silent about the convulsive changes in the national economy that sabotage generous parenting and put children at risk: the new age of job insecurity and temporary work; the plant closings and mass firings by companies fleeing abroad; the decline in real wages that has necessitated the two-income household; the growth of poverty among working families, to cite a few examples.

Shuttered manufacturing plants and deindustrialized ghost towns hint that our larger communitarian crisis is intimately linked to the basic realities of our economic system. Capitalism, the most dynamic and socially disruptive of all economic orders, has always been an engine of what Joseph Schumpeter called “creative destruction,” relentlessly tearing down old loyalties and communities in the quest for new markets. Ever since the British enclosures that threw the peasantry off the land, the history of capitalism has meant social
dislocation, with the drive for profit leaving a trail of uprooted workers and broken communities.

National values and intact families and communities are anchored in the economic and political arrangements that determine how we make and distribute our daily bread. In *The Moral Dimension* Amitai Etzioni details a powerful communitarian critique of our governing economic paradigm, showing that our communities are in peril precisely because of the radical individualism of our economic thought and practice. But communitarians have not translated such analyses into policy prescriptions, limiting their focus instead to moral discourse and change in the microinstitutions of families, schools, and neighborhoods. The communitarian movement has abdicated the critical task of envisioning an economics aimed at the reconstruction of community. Communitarians must propose a structural analysis and politics that attacks the economic foundations of our problems.

**THE FREE MARKET PARADOX**

The post-Cold War economics debate will not be about whether to embrace markets, but about what kind of markets to embrace. While the emerging contest is, at the most obvious level, between the American, Japanese, and European variants of the market economy, the deeper and more interesting competition is between two fundamentally different structural models: the “free market” model as exemplified by the American economy under Ronald Reagan and George Bush and the “social market” model as imperfectly embodied in the social democracies of Western Europe and in the Mondragon cooperative economy in the Basque region of Spain. Drawing on these models, communitarians can conceive and implement new forms of the social market appropriate to their own societies.

The consensus that markets are fundamentally individualistic reflects a vision limited to the free market model. The idealized free market is a sophisticated accounting system for registering individual preferences and balancing supply and demand among millions of disconnected buyers and sellers. But while the free market registers the desires of each individual, it largely ignores the spillover effects that transactions have on the rest of society. When a factory
pollutes, the social cost of bad air and lung disease (what economists call “externalities”) is a real one, but one the owner can ignore. Society at large, after all, pays the bill. The pure free market offers no incentive to protect society and no disincentive to antisocial behavior; social neglect thus accumulates, with the market turning a blind eye to the millions of small and large externalities that affect society every day. A market system that is blind to social costs and benefits can produce explosive short-term growth and profits, but it ultimately shreds the social fabric that, as Adam Smith acknowledged, makes markets possible in the first place.

Despite his faith in the “invisible hand” that allegedly directs individual greed and ambition for the good of all, Smith saw the danger of the free market’s reliance on selfishness. The free market requires trust and solidarity for buyer and seller to do business, but its religion of self-interest relentlessly chips away at all forms of social solidarity. Smith’s late-eighteenth-century world had strong communities that sustained values of loyalty, altruism, and social obligation, and Smith wrote that such communities cultivated “a natural sympathy” that allowed people in economic competition to live peaceably and harmoniously with one another. In Smith’s day, civil society (with all its incivilities) constantly regenerated social values. But we don’t live in Smith’s day, and our eroded community does not have sufficient restorative force to prevent the free market from sabotaging the conditions of its own survival.

UNDERLYING ASSUMPTIONS: THE SOCIAL MARKET

As modern free market societies like the United States succumb to violence and urban decay, the attractions of the social market alternative become palpable. Social market systems, such as Sweden and Mondragon—with rates of violence and social decay far lower than those in the United States—tackle the basic free market problem by rejecting many of the free market’s individualistic assumptions. Social markets presume that economic actors include communities as well as individuals, that social costs and benefits can be registered and measured, that cooperation is as essential to productivity and growth as is competition, and that there are a wide array of possible market incentives that can both preserve the social fabric and sustain economic viability.
The social market writes social costs and benefits back into the equation, in part by internalizing the externalities. The social market gives social stakeholders—including workers, consumers, neighbors, and “public interest” representatives—a voice in corporate decisions, and it structures incentives to guarantee that no transaction can proceed without regard for its consequences to the larger community.

The “ideal type” social market is defined by such structures as social accounting systems for factoring social costs and benefits into economic decisions; social accountability mechanisms ensuring that businesses and other economic actors are responsive to community interests; distribution mechanisms ensuring a measure of income equality to preserve equity in the community; and forms of economic participation and governance that institutionalize the logic of democratic community inside business itself. While actual social market economies such as Sweden, Austria, and Mondragon differ radically in their approaches to these shared imperatives, they all reject both classic laissez-faire and statism, neither of which is compatible with the social market strategy. Instead, they rely on their own combinations of government intervention, employee and community representation, and self-disciplining social business practice.

No country has fully developed the social market, but the vision is hardly utopian. It is being partially implemented in many different countries and is spreading, driven both by moral and economic arguments that address the concerns of liberals and conservatives alike. For liberals, the payoffs are greater equality, power sharing, and social responsibility; for conservatives, they are higher productivity, stability, and economic yield. But communitarians see the most profound virtue: a moral economics that links individual enterprise with the common good.

The social market is, at root, a project for social solidarity, molding economic institutions to manufacture responsibility and community, as well as profitable commodities. But this is more than idle idealism or do-goodism. For an economy to prosper, it must respect and nourish the social bonds and moral concerns that make civil commerce possible. Indeed, social organization and solidarity are the great intangible ingredients of economic success. Japan, a
relatively authoritarian form of the social market, has created its economic miracle by melding the communitarian values of Confucianism into the market. Social market systems in the West will unfold differently, infused by more democratic Western visions of community.

Like the free market, the social market rejects government ownership of the means of production and comprehensive central planning. It is thus not a veiled reintroduction of classical socialist economics. But it does reconfigure markets to achieve such values as community and social solidarity. Socialism relies on taxes and the regulatory and social policy of an activist state. Cooperativist economies do it differently—through, for example, democratic ownership arrangements, allowing workers or consumers to speak up for the needs of their communities.

SOCIAL MARKET ALTERNATIVE #1: EUROPEAN SOCIAL DEMOCRACY

The best-known examples of social market systems are the social democracies of central Europe: Sweden, Norway, Holland, Austria, and Germany. During the Cold War, they were lumped with the United States and Japan in opposing East Bloc socialism, but European market systems are almost as different from the American free market as they are from socialism.

After World War II, West Germany explicitly identified itself as a “social market economy.” Alfred Muller-Armak, a minister of state under Ludwig Erhard, coined the term in 1949 to describe his own blueprint for a modest welfare state. Erhard enacted this very limited social market vision in the 1950s, introducing an elaborate national pension and health scheme and an industrial relations system that put workers on the boards of directors of large German industrial concerns. The German version of the social market, a blend of Christian Democratic politics, social democratic trade unionism, and Catholic reformism, relied on state intervention to preserve and nurture a semblance of community values and civil society in the postwar economic wreckage.

The European social market framers—particularly in Scandinavia—envisioned government as the social conscience of market economics, a vision that reflected some of the socialist dreams
of the labor unions and parties that helped establish it. In 1928 the Swedish socialist leader Per Albin Hansson conceived social democracy as a “people’s home” in which government would help reshape society in the spirit of “equality, concern, cooperation, and helpfulness.” But these dreams were moderated by the power of the capitalist classes. Social democracy is thus a compromise between socialist and free market economics.

Sweden’s ingeniously designed social markets, especially its labor market, deserve close attention. The Swedes recognize that employment is the umbilical cord connecting the individual to society and that tolerating unemployment is the fastest way to put communities at risk. Through most of the Cold War period, the Swedish system of economic governance—bringing together national business, labor, and government in a unique social compact—kept unemployment under 2 percent, while also sustaining low inflation and high productivity growth. National and local boards tracked job market trends; coordinated job training and research; and intervened early to help revitalize lagging regions or industrial sectors. Full employment, viewed by free market economists as inflationary and unachievable, helped produce not only social harmony and intact communities but also decades of growth as high as anywhere in the developed world.

Swedes pay about 50 percent of their income in taxes to support the education, health, child rearing, housing, and other social needs of their population. A massive market distortion in free market terms, Swedish policy has averted the social catastrophes suffered by the United States. Like the United States, Sweden faces daunting challenges in the new global economy. But the Swedes—who can still boast of having among the lowest violence, crime, infant mortality, and homelessness rates and among the best health, education, housing, and day care in the world—at least do not have to rebuild their schools and cities. Unlike the United States, the Swedes have spared themselves the terrible costs of reconstructing their social and moral foundations.

From a communitarian perspective, this is a major accomplishment, ultimately arising from the social democratic covenant protecting and uniting all Swedes. By giving each individual a “stake in the
system”—in the form of universal access to housing, health care, and jobs—social democracies generate the most basic communitarian return: loyalty and commitment to society itself.

The fall of the Swedish labor government in 1992 points to newly visible limits of the Swedish model as a communitarian strategy. Swedish economic growth collapsed in the mid-1980s, as many of its major industries—such as ship and auto building—succumbed to foreign competition. In 1992 the Swedish unemployment rate skyrocketed to a startling 14 percent. Swedish labor costs are too high to maintain global competitiveness, and Swedish taxes are proving too high for many Swedes.

Sweden’s new economic problems hint at surprising weaknesses in the capacity of the Swedish model to sustain civil society—a potentially fatal flaw apparent to some observers even before the current crisis. After spending several years in Scandinavia, Alan Wolfe makes the case that the Swedish welfare state both builds and erodes community. Wolfe acknowledges the contributions to equality of Sweden’s enlightened universal health care, family, and other welfare policies, and he also appreciates that when everyone sends their kids to the same school and when everyone receives care in the same hospitals, society’s cohesion and sense of common fate increases. But Wolfe is disturbed by eroding family ties, declining volunteerism, increasing tax evasion, and other telltale indicators of the fraying of community.

It may be the social democratic state’s very success that is now contributing to its problems. The Swedish state embodies community and caring, cradling its infants in well-appointed public day care centers and humanely tending to its elderly with personalized “meals on wheels” and expansive geriatric counseling programs. But as the state learns how to carry out these “caring” functions, ordinary citizens may be forgetting how to do them. As state social workers become old people’s best friends, family and neighbors may drop by less. As children get enlightened “surrogate parenting” in government day care centers, parents may focus more on their own lives.

Wolfe concludes that “the new welfare state increasingly enables middle class people to buy the labor of others who will perform their moral obligations for them....By intervening in civil society to an
extent that no one could have anticipated,” the state has led to “a decline in a sense of individual moral responsibility that threatens the ability of Scandinavian societies to find new sources of moral energy.”

A related problem is the rise of a professionalized class of economic apparatchiks and social service providers. As the power of the new class increases, the civic impulse declines, and ordinary citizens become passive and apathetic. Particularly disturbing are reports about bored and anomic Swedish youth, who seem unmotivated in schools and display little interest in politics or community affairs. Throughout the population are indications of growing political alienation.

The verdict is still out regarding Swedish civil society, but Wolfe has undoubtedly hit upon the great difficulty of the welfare state version of the social market: governments have undeniable limits as champions of morality and community, which must be sustained in the hearts and actions of ordinary citizens. While states help make democratic communities possible, they can sabotage them by becoming the primary guardians of morality or the main purveyors of affection. The ideal balance between state intervention and restraint is unclear, but the excesses of statism in the social democratic model begs for an alternative in which the state plays a less central role.

**SOCIAL MARKET ALTERNATIVE #2: COOPERATIVISM AND MONDRAGON**

Mondragon is not a household name, but it should be. It consists of a remarkable group of worker-owned and managed companies in the Basque region of Spain. Having developed into a world-class manufacturing giant, Mondragon is an impressive symbol of the cooperativist type of social market economy. It has its own limitations, but without any dependence on expansive government it may be the most attractive real model for a communitarian economic future in the United States.

Mondragon reflects a cooperativist impulse that has a long but neglected history. Cooperativism is an alternative to free market capitalism based not on government but on new forms of community
and cooperation within society and business itself. As such, it seems antithetical to the emphasis on the state that gave rise to social democracy. Cooperativism, which emerged in France after the revolution of 1789 in the thinking of Robert Owen, Charles Fourier, and Henri de Saint-Simon, sought, in Martin Buber’s words, “to substitute society for State to the greatest degree possible, moreover a society that is ‘genuine’ and not a State in disguise.” It envisioned, as the Saint-Simonians proclaimed, an “Association of Workers” bonding ordinary employees together to control their own workplaces and industries. It also understood that building new egalitarian bonds of solidarity in civil society was the road to economic health. Paul Hirst describes cooperativism as “an alternative to both liberal individualism and socialist collectivism,” based on the premise that “individual liberty and human welfare are both best served when as many of the affairs of society as possible are managed by voluntary and democratically self-governing associations.”

Mondragon started as a daring effort by one Catholic priest and five of his followers to create a small cooperatively owned manufacturing enterprise known as ULGOR. It has since expanded into a complex of over one hundred industrial cooperatives, linked to cooperative banks, farming enterprises, schools, universities, supermarkets and other consumer stores, hospitals, and even a cooperative social welfare system.

Begun in the 1940s by Jose Maria Arizmendi, a priest deeply influenced by the cooperativist tradition, Mondragon demonstrates how markets—without state intervention—can operate on communitarian principles. Part of the secret is the design of Mondragon’s cooperatives, which addressed the fatal flaws of pre-Mondragon co-ops. Pre-Mondragon co-ops still partially linked ownership to capital, so more shares entitled a worker to more votes (as is the case today in many American employee stock ownership plans). Mondragon reconceived ownership as a social right attached to membership in the cooperative community. Each Mondragon worker has only one vote for the same reason that each citizen in a democracy does: all have the same human stake in the community and therefore are entitled to the same degree of representation. Cooperative members invest money in the co-op—and receive interest on their contribution—but the biggest investor has the same vote...
as the smallest. Mondragon’s ownership rules prevent any outside investors from taking control of the firm; they keep insiders from employing nonvoting wage workers; and they help to account for the solidaristic ethos that keeps the highest co-op salary only six times that of the lowest.

As a community member, a Mondragon employee’s moral claims on the enterprise are radically different than a free market wage worker’s. Firing a worker is akin to disowning a son or daughter—as in Japan, a mortal wound to the corporate family. British journalist and cooperativist advocate Robert Oakeshott, who has publicized Mondragon to the rest of the world, reports that there has not been a single involuntary layoff in Mondragon’s history. Cooperative by-laws stipulate that in case of unavoidable stoppage or downsizing, affected employees are assured of employment in other cooperatives. If an emergency dictates layoffs, worker-members are assured payment of 80 percent of their salary until returning to work, a proviso Oakeshott characterizes as equivalent to “an employment guarantee.”

In return, Mondragon co-ops expect and generate unusually high levels of employee responsibility, the flip side of the communitarian bargain struck by worker-owned companies. Mondragon’s co-op members are among the world’s most motivated and self-disciplined employees, and they have imposed upon themselves, as Oakeshott reports, a formidably “tough regime of labor and work discipline.” They upbraid—and sanction through pay cuts—fellow employees who do not live up to their collective codes of commitment and hard work. They commit heavily to the governance and communal life of the firm, electing board members to run the firm, participating directly in governance and strategic planning through the General Assembly, managing themselves in work teams and social councils, and helping supervise fellow workers. They reinvest the great proportion of their dividends, profit shares, and life savings into the firm, reciprocating the long-term commitment the firm has made to them.

Reinforcing the communitarian covenant that binds the co-op to its members is the unique community connecting the base co-ops to each other and to the cluster of secondary co-ops. Mondragon proves that market firms can cooperate extensively and thereby enhance their economic viability and prosperity.
Many communitarians have been rightly skeptical of co-ops, for while clearly accountable to their worker-owners, they need not serve community needs any better than traditional capitalist firms do. Mondragon’s co-ops, however, distribute between 10 and 15 percent of their profits to the local community (as mandated by their bylaws), and the co-ops contribute extensively to educational, social, and cultural activities in the Mondragon area. Moreover, base co-ops and the co-op bank, the Caja Laboral Populaire, study the impact of their decisions on the community, and they modify their business plans accordingly.

The intimate and mutually sustaining relationship between the co-ops and the community dates from the founding of the first co-ops. In 1956, when the five founders of ULGOR started to raise money for their new venture, they went first to their own savings, then to friends and neighbors. As in Japan, where late-night drinking in restaurants and geisha houses builds community within and between firms, eating and drinking clubs played a surprisingly pivotal role in midwifing Mondragon and in keeping it going. ULGOR’s founders were all members in good standing of the *chiquiteos*, the Basque drinking clubs of between 10 and 20 members that are vital to Basque solidarity, and the starting capital for ULGOR came heavily from drinking club associates.

Ethnic homogeneity and long-standing Basque solidarity help explain the co-ops’ success, and many observers note that the Basques had a rich communal life long before the rise of the co-ops. Still, the new economic system has provided a more stable employment base and transformed communal life. In addition to the co-op factories, a new set of cooperative social institutions—each jointly owned and managed by employees, clients, and the larger community—now knits Mondragon together. These include cooperative hospitals and clinics, kindergartens, schools and technical colleges, day-care centers, insurance companies, and retail stores. This nontraditional communitarian infrastructure services the social needs of the population, undergirds the stability of families, and sustains Mondragon’s tangible warmth and morality.

Oakeshott argues that Mondragon’s economic model can be adapted successfully to more heterogeneous and less communal
cultures such as Great Britain and the United States, offering economic renewal and powerful communitarian medicine for ailing civil societies. If co-ops are a radical departure from current American business practices, they were no less radical a departure from the traditional Basque economy. While consistent with Mondragon’s traditional communitarian values, they were grafted onto an agrarian and craft economy and cannot be viewed as organic to the Basque region.

Mondragon has proved that a cooperativist, nonstatist social market can become a world-class competitor, but as a purely private-sector, nongovernmental model, it nonetheless has its limits. While bringing prosperity to its members, Mondragon provides no guarantees to those not lucky enough to work in one of the co-ops. A model for a big and deeply stratified country like the United States has to offer an approach to the problem of structural unemployment and underemployment. While offering a sterling example of job creation, Mondragon’s magic dims for those mismatched for the job market and unable to work.

Government is also necessary to protect the rights of co-op members. Researchers in the 1980s found that Mondragon’s female employees endured harassment from fellow workers, obstacles to promotion, and underrepresentation in co-op decision-making bodies. Such discrimination reflects parochialisms in the community that cannot assuredly be eliminated by the community itself. Enlightened co-ops and communities can go a long way by themselves to protect minorities, but the rights of individuals in any cooperativist system still require governmental protection.

The problem of income inequality between communities leading to radical inequalities among geographically dispersed co-ops is another potentially intractable problem for those envisioning Mondragon as a model for national economies. Mondragon’s social market is exquisitely structured to build solidarity within and across co-ops in a given community (as noted earlier, co-ops restrict income inequality to a six-to-one ratio and also maintain mechanisms for partially redistributing income from better-off to worse-off co-ops), but just as Mondragon does not substantially redistribute income or wealth from workers to the unemployed, it does not offer a clear
strategy for equalizing wealth among communities of vastly different resources. Theoretically, solidarity extending across entire regions of the country could lead prosperous areas to subsidize poorer ones, but such solidarity exists only in far more localized communities. The social welfare states of Europe arose to provide public remedies to this problem, and it is difficult to imagine any strategy for national equality that does not depend partly on government.

**TOWARDS SYNTHESIS**

The limits of Sweden and Mondragon as models are formidable, but each offers partial solutions to the shortcomings of the other. In the emerging post-Communist economic competition, social market systems can prevail by evolving towards a new synthesis of social democracy and cooperativism.

Historically, social democracy and cooperativism have seemed contradictory, since one relies on a centralized national government and the other is voluntaristic and rooted in decentralized communities. But there is an underlying convergence in philosophy and practice, rooted in the communitarian values of both models. Both view the social costs of the free market as unacceptable and avoidable, and both look to a market alternative guided by the principles of community, democracy, and social justice. In very different ways, both institutionalize market-based systems of social accountability intended to reconcile prosperity with equality and civil society.

Both also address the problems of the other. Social democracy has developed the governmental apparatus to attack the problems of minority rights, inequality, and large-scale poverty and unemployment, problems for which cooperativism has no proven answers. Cooperativism offers the participatory foundation—both in the community and in the workplace—to nourish the civil society and economic dynamism that a statist social democracy cannot sustain.

Communitarian thinking has begun to affect American discourse on a wide range of social policy questions. But if communitarians want to solve the crises of morality, family, and community, they have to introduce the logic of community into the market itself. Communitarian economic models, which creatively integrate social democratic and cooperativist principles, can become powerful sources
of both economic and moral renewal in advanced, culturally diverse capitalist societies. It’s time to start talking about how.
A COMMUNITARIAN BALANCE

A Right to Housing?

ROBERT C. ELLICKSON

Advocates of individual rights often do not adequately attend to reciprocal individual responsibilities. According to pollsters, many Americans simultaneously favor establishing an unfettered right to health care yet decry the taxes or employer mandates this new entitlement would entail. Frank Michelman, a prominent Harvard Law professor, contends that the Constitution’s Equal Protection Clause requires the national government to ensure each individual a minimum standard of living, but he fails to link this right to fulfillment of an individual’s civic duties. When homelessness emerged as a major issue in the 1980s, poverty lawyers began pressing for legal recognition of an unconditional right to housing. Their quest for unconditional welfare rights can serve to illustrate the folly of ignoring issues of individual responsibility—particularly the presumptive duty of each able-bodied citizen to pull an oar for the larger community.

ENSURING WELFARE WITHOUT DISCOURAGING WORK

To the extent that material ends motivate individuals, unconditional welfare rights diminish work incentives. Although debate continues about the magnitude of this relationship, the tension between welfare benefits and work incentives concerns all observers—except perhaps those on the extreme left.

A nation can resolve the inherent tension between ensuring welfare and encouraging work in one of three basic ways: by applying a no-welfare approach, a conditional welfare approach, or an unconditional welfare approach. A society that adopts the no-welfare approach does little or nothing to relieve an individual of the risks of being unemployable or unemployed. Because the central government does not guarantee welfare assistance, each person bears the consequences of his or her own shirking from work.
Many voters regard this laissez-faire system as unacceptably cruel to those who either cannot work or are jobless for reasons largely beyond their control. As a result, over the last century, all democratic nations with market economies have instituted either conditional or unconditional welfare systems, which supplement (and perhaps unintentionally supplant) traditional systems of social insurance such as extended families, voluntary associations, and organized religions.

While conditional welfare programs take the rough edges off the market economy, they remain closely attuned to the necessity of maintaining work incentives. The United States has opted for this conditional welfare approach. Our lawmakers have almost invariably required an applicant requesting benefits to prove either an inability to work (on account of age or disability) or an excuse for not working (such as caretaking responsibilities for small children). Although some programs, including food stamps and general assistance, establish no preconditions other than poverty, they do demand that recipients comply with post-enrollment responsibilities, such as mandatory job searches.

A society that pursues the unconditional welfare approach promises its members minimal material comforts—no questions asked. Most pending proposals in the United States to establish “rights” to housing and medical care are of this stripe. If a government could deliver on these promises, it would free its citizens of the stress of being personally responsible for making their own way. To have enough resources to provide citizens with these welfare benefits, however, the central authorities of an unconditional welfare state must also prevent citizens from freeloading off of the system by shirking on responsibilities to contribute to the central coffers. As a result, the unconditional welfare approach leads to much centralized policing of work effort. This policing is far less necessary under both the no-welfare system, where individuals fend for themselves, and the conditional-welfare system, where assistance programs contain work incentives.

Because managers of an unconditional welfare state have little discretion in distributing material benefits (at least in theory), they must institute elaborate nonmaterial incentives to induce people to work. Unconditional welfare systems function best within small,
close-knit groups that can diffusely administer informal sanctions. A kibbutz that assures housing to each of its members has the ability to link social status to industriousness and can ostracize, or even expel, those who shirk their individual responsibilities.

By contrast, experience abroad suggests that nation-states are too large and too loose-knit to generate informal social forces that can successfully support work incentives. A state that adopts the unconditional welfare approach therefore tends to resort to heavy-handed coercion to enforce legal duties to work. When this happens, the unconditional welfare approach, which relieves many of the stresses of having to be self-sufficient, introduces the new stresses of powerful centralized bureaucracies.

Communist states provide the crispest historical case studies of the unconditional welfare approach. The constitutions of Cuba and the former Soviet Union proclaimed an array of welfare rights, including the right to housing. These same constitutions also articulated “bills of duties,” which included the duty to work. Although Communist bureaucracies experimented with exhortation and other noncoercive techniques, they ultimately resorted to criminal prosecutions in their (often ineffectual) efforts to enforce work obligations.

**DO HOUSING RIGHTS IMPROVE HOUSING CONDITIONS?**

The unconditional welfare approach leads to less work effort by all and tends to shrink the aggregate pie so much that most people, including the poor, end up worse off. It is notable that poor persons in the United States, who lack a constitutional right to housing, live in more spacious and better maintained dwellings than do poor persons in nations that recognize that right.

Communist states that long embraced a right to housing did a dreadful job of delivering on that promise. As I reported in previous research, in the 1980s, 76 percent of Soviet households lived in two rooms or fewer, compared to only 2 percent of American households. To put it starkly: By the end of the Cold War, Americans below the poverty line lived much more spaciously than did middle-class Soviets.

More pertinent to debates in Western democracies are housing patterns in Sweden and the Netherlands, two prosperous nations that
proclaim an unconditional right to housing. According to data reported by Bjorn Harsman and John Quigley, authors of a leading comparative study of housing in the West, poor households in these two nations live in sub-standard conditions more commonly than do their counterparts in the United States. For instance in 1980, the last year of Harsman and Quigley’s study, 10 percent of Swedish housing units and 7 percent of Dutch housing units contained more than one person per room, compared to only 5 percent of U.S. housing units. Even more dramatic, Swedish rental units contained an average of 2.4 rooms, far fewer than the average of 4.0 in the United States. In the Netherlands 34 percent of housing units lacked central heating, as opposed to 1 percent in the United States. Even in wealthy countries, an unconditional right to housing seems not to achieve its objectives.

Conversely, when a society’s institutions encourage people to meet their responsibilities to be productive, housing conditions can improve in the absence of rights. During the last half-century, poor Americans’ housing has steadily improved—despite their lack of a right to shelter. According to U.S. Census Bureau data, the percentage of households lacking complete plumbing plunged from 45.3 percent in 1940 to 2.7 percent in 1980, and even further to 1.1 percent in 1990.

The steady housing progress in the United States is often overlooked, partly because panhandlers and other impoverished people became increasingly visible in conspicuous downtown locations during the past decade. Although advocates such as Robert Hayes and Mitch Snyder attributed this “homelessness” problem to changes in housing markets, Christopher Jencks, the eminent Northwestern University sociologist, and others have shown that it is more accurately attributed to the deinstitutionalization of the mentally ill, the crack epidemic, increases in long-term joblessness, and the breakdown of the family in poor neighborhoods. A rise in panhandling does not imply a “housing crisis”; indeed, many panhandlers dwell in conventional housing.

**TWO RIGHTS THAT PROMOTE RESPONSIBILITY**

The federal and state constitutions, commendably silent on welfare rights, expressly grant each individual two rights that affirmatively foster personal responsibility. The Thirteenth Amendment’s
ban on slavery confers a basic right to self-ownership of one’s labor. In addition, all state constitutions entitle children to schooling. Our nation’s time-tested strategy, in short, has been to guarantee opportunities, not welfare benefits.

Why has our political system balked at expressly recognizing a right to housing and a right to a minimum income when, for well over a century, it has guaranteed a right to self-ownership of labor and a right to schooling? Owning one’s own labor is valuable only to the extent that one is willing to work. The value of receiving an education depends largely on one’s willingness to apply oneself in school. By rewarding productive effort, our venerable constitutional provisions induce citizens to contribute to the nation, just the opposite of what the proposed unconditional entitlements would do.

Events in several American cities demonstrate the drawbacks of ironclad rights even to a minimal level of housing and other material aid. During the early 1980s Philadelphia, Washington D.C., and New York City granted individuals unqualified rights to obtain emergency shelter. These open-door shelter policies attracted unexpected numbers of employable people, and the shelters proved to foster dependency. Recognizing that they had undermined responsibilities, all three cities later trimmed back the rights. In Philadelphia housing advocates eventually agreed to allow the city to deny shelter to employable persons who refuse to comply with job-hunt requirements. In 1990 the D.C. electorate defeated a referendum measure that would have reestablished a right to shelter, which had lapsed after they first approved it in 1984. In 1994 New York City officials announced their intention to cease operating general shelters where people could stay indefinitely without assuming any individual responsibilities. Unlike the advocates of unconditional housing and welfare rights, these cities’ leaders eventually came to recognize the tension between welfare and work.

Fortunately, most of our national and state lawmakers have always understood this link between rights and responsibilities. They have seen the advantages of a decentralized economic system that directly rewards those who contribute. They have recognized that a bill of rights that actually delivers on unconditional welfare rights necessarily leads to much more intrusive government. They have
been aware that evidence from abroad refutes the notion that unconditional housing rights actually lead to better housing for the poor. In short, they have recognized that shifting jobs from carpenters to lawyers is not the way to improve housing conditions.
COMMUNITY BUILDING

Character Education
and the Creation of Community

JAMES S. LEMING

The 1990s is not the first time in our history that character education has captured the attention of American educators. In the first three decades of this century, character education became a major preoccupation of schooling. Such factors as increasing industrialization and urbanization, the continuing tide of immigration, World War I, the Bolshevik Revolution, and the spirit of the Roaring Twenties contributed to a mood among the population and educators that social stability was being threatened and that moral standards needed to be strengthened. During the 1920s and 1930s, virtually every school in America was responding in some way to the educational goal of developing character.

THE EARLY CHARACTER EDUCATION MOVEMENT

The character education movement of the first three decades of this century used both elaborate codes of conduct as well as group activities in school clubs as the primary means to teach character. One widely used code of conduct was the “Children’s Morality Code” that emphasized “ten laws of right living”: self-control, good health, kindness, sportsmanship, self-reliance, duty, reliability, truth, good workmanship, and teamwork. Schools attempted to integrate such codes into all aspects of school life. Also, school clubs were created in order to provide the opportunity to practice the virtues in the codes and to do so in a manner that harnessed the power of peer influence.

Between 1924 and 1929 the Institute of Social and Religious Research at Teachers College, Columbia University undertook the Character Education Inquiry, the most detailed and comprehensive study of the nature of character and the school’s role in its development. The study assessed character-related behavior and focused on
student deceit and service. Mostly from grades five through eight, 10,865 youths participated in the study in 23 communities across the United States. In schools where character education was taking place, the researchers created classroom situations that provided students with the opportunity to cheat and to engage voluntarily in helpful behavior. They found that the incidence of deceit varied widely among classrooms and schools and that deceit was specific to certain types of classroom situations—honesty in one situation did not accurately predict honesty in another. The researchers found no relationship between students who were being taught to be honest and actual honest behavior. Among the many disturbing conclusions within the 1,782 pages of text was the following:

[T]he mere urging of honest behavior by [the] teacher or the discussion of standards and ideals of honesty, no matter how much such general ideals may be “emotionalized,” has no necessary relation to conduct....[T]here seems to be evidence that such effects as may result are not generally good and are sometimes unwholesome....[T]he prevailing ways of inculcating ideals probably do little good and do some harm.

The Character Education Inquiry raised serious questions regarding the effectiveness of heavily didactic approaches to character education, questions contemporary character educators should keep in mind.

**MORAL AND VALUES EDUCATION**

By the 1950s character education had all but disappeared in American schools. The year 1966 signaled the beginning of a new period of interest. In the *School Review*, Lawrence Kohlberg for the first time linked his cognitive-developmental theory of moral reasoning with the practice of moral education in schools, and Louis Raths, Sidney Simon, and Merrill Harmin coauthored *Values and Teaching*, the highly influential first statement of the theory and technique of values clarification. Although not the only approaches advocated during this era, moral dilemma discussion and values clarification dominated the field of moral or values education for the next 20 years and were extensively researched.

How much impact these two approaches had on educational practice is difficult to judge. The values clarification approach was the
far more popular with teachers; one handbook of practical strategies for values clarification sold over 600,000 copies, an almost unheard of figure for an education methods textbook.

Although the two approaches were different in many ways, they both emphasized that teachers were not supposed to moralize. In Kohlberg’s moral dilemma discussion approach, the teacher facilitated student reasoning, assisted students in resolving moral conflicts, and ensured that the discussion took place in an environment that contained the conditions essential for stage growth in moral reasoning. Values clarification sought to have each student clarify his or her values by following the prescribed seven-step valuing process. The teacher was only to facilitate the valuing process and, for fear of influencing students, was to withhold personal opinions. The teacher was to respect whatever values the students arrived at.

All of the reviews of the moral discussion research program have reached similar conclusions: when students discuss moral dilemmas where moral uncertainty and exposure to examples of more adequate, higher stages of moral reasoning are present, small indications of stage development (usually less than one-fourth stage) are detected in approximately 80 percent of the semester-length studies. The stage growth found is below the principled, and highest, stages of moral reasoning. None of the moral discussion studies have used any form of moral behavior as a dependent variable. Kohlberg and his associates did argue that moral reasoning and moral behavior were related at the highest stages of moral reasoning; analyses of the evidence, however, has detected only weak associations. One research study found that among fourth- and eighth-grade students, stage one and stage three levels of moral reasoning are associated with fewer conduct problems than stage two reasoning, raising the interesting possibility that stimulating students’ reasoning from stage one to stage two may be associated with a deterioration in student conduct. Thus, even though the moral discussion approach “works,” it appears to be of little practical use with regard to achieving the character education objective of influencing students’ personal and social behavior.

In values clarification research, the predicted change in a given dependent variable is found in no more than 20 percent of the studies.
Thus, the research base for the moral and values education curricula of this period offers little assistance in planning for character education programs where an improvement in student behavior is a central objective.

RESEARCH ON SEX AND DRUG EDUCATION

Over the past 30 years, sex and drug education have focused on character-related student behavior, although they are not typically described as moral or character education. In his seminal review in 1980, Kilby concluded that sex education programs generally increase student knowledge about sexuality and change some attitudes—students become more tolerant of the sexual practices of others—but do not change students’ values or sexual behavior. Most other researchers in the field have reached similar conclusions.

The most recent approach in sex education is value-based programs. These programs place sexuality within the context of human relationships and values, such as respect for others and personal dignity, commitment, self-control, and abstinence. Two recent programs, one short-term and one long-term, illustrate the nature and effectiveness of these programs. The Responsible Sexual Values Program in Franklin County, Ohio, presents a three-day instructional unit at the middle school level that integrates information about human sexuality, marriage, and parenting skills with group activities. After the curriculum has been presented, volunteer student organizations provide peer support for the norm of abstinence. In addition, parents attend a two-session workshop on the goals of the program and participate in students’ homework assignments. The first-year evaluation of the program indicated that student knowledge of sexuality had increased as did support for the abstinent lifestyle; by the fifth year of the program, however, any effects on attitudes and behavior had disappeared. Apparently, problems with faithful implementation of the program, as well as the increasing power of peer group norms combined to overwhelm any possible program effects.

A similar, but broader and more intensive, value-based program is the School/Community Program for Sexual Risk Reduction Among Teens developed at the University of South Carolina. The program
for kindergarten through 12th grade, integrates value-based sex education information and activities within regular school subjects. Implemented on a county-wide basis, the program involves not only parents but also clergy, church leaders, local newspapers, and radio stations. Special events raise community awareness. Two years following the implementation of the program, estimated pregnancy rates for females (ages 14 through 17) had declined.

Value-based sex education that involves schools, parents, and community in a common effort to encourage responsible sexual behavior appears to have some potential for changing adolescent attitudes and sexual behavior; because of the relatively small number of evaluations, however, caution must be used in attempting to generalize from the data.

**THREE WAVES OF DRUG EDUCATION**

The general public, including teenagers see substance abuse as one of the most important problems facing America today. In the past 30 years there have been three broad shifts in the approach to drug education. Throughout the 1960s drug abuse education largely provided information regarding the deleterious effects of the use of drugs and used scare tactics to deter students from substance abuse. The “affective” or “humanistic” strategies of the early to mid-1970s focused on teaching students personal skills, such as problem solving and decision making, and sought to develop positive health-related attitudes.

Reviewers of the research on these first two waves of drug abuse curricula concluded that these programs tend to be successful in increasing knowledge but less successful in changing attitudes; they have little or no effect on drug and alcohol abuse.

Drug education in the 1980s shifted to the “social influences” strategy. This peer-centered approach tried to make students aware of the social factors that create pressures to use drugs and to help students develop the skills to resist those pressures through role playing in class. Group activity and the discussion of personal experiences seek to develop group norms against drug abuse.

Three recent program evaluations conducted with upper elementary or junior high school students suggest that this approach
has promise: Professor Brian Flay and associates found that a six-lesson smoking unit resulted in reduced smoking. Professor Terry Dielman and associates found a four-lesson social influence program reduced the rate of increase of alcohol use among sixth-grade students who had already begun to use alcohol. Phyllis Ellickson and Robert Bell of the RAND Corporation found that their eight-lesson program reduced alcohol and tobacco use among junior high school students but did not sustain the reduction over time with regard to alcohol use.

Reported data from the first two years of the Midwestern Prevention Project, a longitudinal trial of a primary prevention program of cigarette, alcohol, and marijuana use, also supports the social influences strategy. This comprehensive, community-based program uses school study, parent involvement with homework, the mass media, community organization, and health policy programming to combat adolescent drug usage. The entire adolescent population from 15 Midwestern communities constitute the sample. In the first two years, 22,500 sixth- and seventh-grade students were exposed to the program. By the second year of what is to be a six-year evaluation, the use of all three target drugs was lower among students in the program for one year than among students just entering the program.

Reviews of drug education programs lead to the following conclusions: (1) gains in knowledge were common to all such programs, (2) lectures appear to have the smallest effect on attitudes while peer programs have a greater influence, and (3) social influence programs appear to be the most effective in reducing the incidence of drug usage. Although the effects declined in all programs over time, attrition was less substantial in the social influence programs.

THE IMPACT OF SCHOOLS AS COMMUNITIES

Introducing another angle on character education, a number of school-based research projects have investigated the relationship between school community and student character.

One of the major educational research success stories over the past decades is the use of cooperative learning strategies. In cooperative learning, students are placed in small groups where the groups’
learning assumes central importance and students are responsible not only for their own learning but also for the learning of others.

This type of learning environment organization has resulted in impressive student achievement and positive social values and behavior. Reviews of the extensive literature on this topic by researchers David and Robert Johnson and by Professor Robert Slavin have found that in addition to increasing academic achievement, students learn to get along better with students of other races and ethnic groups, accept “mainstreamed” students much more, demonstrate greater mutual concern for one another, and engage in prosocial behavior more often.

Another approach that emphasizes student responsibility is the just community approach developed by Lawrence Kohlberg and his associates. In the late 1970s Kohlberg revised his perspective on moral education, emphasizing collectively derived social norms rather than individual values as a goal of moral education. This new emphasis grew out of Kohlberg’s experiences chronicling the democratic development of norms required to organize the social environment necessary for group functioning.

In the just community approach, students confront real problems related to the social organization of the school. Within a democratic context, students discuss group problems and develop the norms by which group life is organized. For example, in a four-year study of the Cluster School in Brookline, Massachusetts during the late 1970s, Professor F. Clarke Power and Dr. Joseph Reimer identified four problematic areas that emerged in the life of the school: race relations, stealing, drug use, and absenteeism. Through a process of collective deliberation, students and teachers proposed and agreed on norms for behavior. The group then enforced compliance. Because this approach harnessed strong peer pressure within a democratic context, students eventually modified behavior in three of the four normative areas. In the case of drug use, no collective norm emerged, because the students did not share the teachers’ perception that such a norm was needed.

While the just community research is based on an atypical education setting, there is encouraging data from research on school climate in more typical school settings. Schools that seem to have an
impact on student character respect students, encourage student participation in the life of the school, expect students to behave responsibly, and give them the opportunity to do so. Discipline is not always imposed, but within the framework of shared group norms, students accept discipline as legitimate and they change their behavior accordingly.

A useful perspective from which to view the differences between more effective and less effective character education programs is based on a distinction between types of social organizations. Sociologist Ferdinand Tönnies makes the distinction between two ideal types of social organizations: *Gemeinschaft* and *Gesellschaft*. In a social organization characterized by *Gemeinschaft*, relationships among members are valued as ends in themselves, and the actions of individuals proceed from and express underlying communal identification. On the other hand, *Gesellschaft* social organizations are characterized by relationships that are impersonal, atomistic, and mechanistic; relationships are valued only as a means to an end, and no actions take place on behalf of others.

Since the development of character involves the acceptance of norms valued by the community as binding on the individual, organizations characterized by *Gemeinschaft* are more ideally suited for the task of character education. Belonging to a *Gemeinschaft* community means essentially belonging to a moral community and living up to such norms as sharing, self-sacrifice, and collective responsibility. The individual in such social organizations values the quality of relationships and shares a concern with others for appropriate behavior; one attempts to become a valued member of the normative community to maintain those significant relationships.

American schools, especially at the secondary level, are characterized more by the features of *Gesellschaft* than *Gemeinschaft*. When the conditions of community are created in classrooms or schools, these programs are more effective at developing character than the more common school setting. Also, when the broader community has been linked to the school community, promising trends for character development have been detected. Clearly, the development of communities in educational settings where social relationships are characterized by mutual regard, a sense of common purpose, and care is a promising direction for future theory, research, and practice.
WHAT WE’VE LEARNED SO FAR

What can be concluded about effective means of character education in schools? With the caveat that the research base is small, we can offer the following observations:

• Didactic methods alone (codes, pledges, teacher exhortation, etc.) are unlikely to have any significant or lasting effect on character.

• The development of students’ capacity to reason about questions of moral conduct does not result in a related change in conduct. Apparently, one cannot reason one’s way to virtuous conduct.

• Character develops within a social web or environment. The nature of that environment, the messages it sends to individuals, and the behaviors it encourages and discourages are important factors to consider in character education. Clear rules of conduct, student ownership of those rules, a supportive environment, and deep lasting satisfaction that results from complying with the norms of that environment shape behavior.

• Character educators should not expect character formation to be easy. Schools that expect easily achieved and dramatic effects will be disappointed.

The dynamics of how character is transmitted from generation to generation are not particularly difficult to understand. These dynamics have existed throughout the centuries in all societies that have been able to reproduce themselves successfully. At the end of the twentieth century, however, because of the changing nature of contemporary society, we find ourselves in the position where our ability to transmit a common culture is no longer certain. We have become less cohesive, less united in common purpose, less certain in our values, and less strong in our resolve to hold onto traditional forms of social organization.

The methods that will ultimately be successful in character education lie in the everyday dynamics of such elemental dimensions of the human experience as families and communities. We need not undertake efforts to create new technologies, but rather understand and strengthen what we know already. As T.S. Eliott so aptly put it, “It is at the end of all our exploring that we come to where we started and know it for the first time.”
Law’s Dominion
Reviewed by Jonathan B. Imber


As the Supreme Court began effectively to weaken the national partisanship on both sides of the abortion issue (from Webster to Casey), more people began writing about it than ever before. Why so much discourse now? A simple answer to this question is that since Roe v. Wade, the partisan passions have been returned to the legislative realm. This has forced more realistic compromise than was possible so long as a position on abortion was viewed only in binary terms. The Court has concluded that the nation cannot be simply of one mind on the matter, and so it has returned to the states a modicum of responsibility to write laws about abortion again.

Since 1973 the abortion controversy has attracted considerable attention from lawyers. Most recently the discourse has changed from assessments of Supreme Court cases in particular to more general arguments about why abortion is such a contentious social issue. I should state at the outset that I find something especially disingenuous about this “turn” to the more general meanings of abortion for law and society. I discern a cashing in on the new middle
ground created by the Courts. Very little empirical research was conducted on the impact that Roe initially had on abortion services because sober presentations had the unpleasant side effect of drawing fire from all sides. Now that one side (pro-choice) has survived the judicial struggle and the other has been put on the full defensive by a Democratic administration, various calls for reasoned debate are not likely to draw much fire. Indeed, they probably will be lavishly praised for their genuine insight into a matter that once appeared to offer no room for compromise.

In order to locate historically those cultural forces that have transformed our private and public expectations about abortion, a history of political or legal struggles is not sufficient. This is the deepest lesson of Mensch and Freeman’s fascinating extended essay on the marginalization of theological discourse in the public debate about abortion. The authors examine the moral/theological approaches to abortion before the Roe decision defined a new era. Their’s is the communitarian dream of “it might have been otherwise,” if only the Court had not acted so decisively.

Before name calling and intimidation, a civilized discussion once existed among people who were not necessarily in complete agreement about how to think about abortion, or so we are led to believe by Mensch and Freeman’s interesting rewriting of history. Two distinct theological traditions flowed into this conversation, one from Catholic discussions of natural law and the other from Protestant discussions of ethical obligations.

Mensch and Freeman focus carefully on the arguments of federal judge and former law professor, John T. Noonan, Jr., who is the principal natural law theorist with whom they must contend because he has had much to do over the years with the abortion debate in particular. They consider him praiseworthy before 1973 for pursuing responsible dialogue about the matter and blameworthy after 1973 for moving from dialogue to politics (for example, Noonan was one of the architects of the human life amendment). Why would they expect someone whose arguments were, in effect, dismissed by the Court, to continue the same conversation as if nothing had happened? Noonan is held to a higher standard because theorists of “choice” are all post hoc specialists on why Roe v. Wade, despite its flaws, is worth
defending. Noonan is part of a Catholic tradition that has for centuries addressed carefully the theological implications of medicine, abortion, and motherhood. Abortion “freedom,” as it is sometimes called, is historically, culturally, and politically an invention of the twentieth century.

Mensch and Freeman, who are law professors at the University of Buffalo, make the strategic and scholarly mistake of looking for deeper traditions of thought in natural law applicable to abortion without making any reference to pastoral medicine or Catholic medical ethics. This is more than elision; it is consistent with the approach of legal analysis which assumes that no worlds worth careful attention exist beyond the realm of law. Lawyers search in other realms for the symbols of their own praxis. But this diminishes those realms, something Mensch and Freeman do with utmost respect.

Protestant contributions to moral reasoning about abortion are exemplified in the lives and works of Karl Barth and Dietrich Bonhoeffer. After praising Barth’s strong criticism of the natural law tradition (and of this tradition’s alleged complicity in giving Nazism a theoretical basis from which to justify its murderous mandate), Mensch and Freeman pull their strongest punches: “Barth must certainly be read as condemning abortion on demand for whatever reason, but if one takes into account the fact that he was writing on the subject more than 40 years ago, he seems to offer a solid basis for serious contextual ethical analysis of the subject.” “More than 40 years ago” is the substitute formation for Mensch and Freeman’s unwillingness to face squarely the invisible things clearly seen, including Barth’s decisive NO to abortion. They luxuriate generally in the good feelings that Barth inspires but contextualize away any specific pronouncements in his theological understanding of human agency. This is a bit like a child counting on a parent’s generosity of spirit at precisely the moment that the spirit is most sorely tested.

Mensch and Freeman’s approach is nevertheless instructive, because they admit no interest in determining in some decisive manner whether this or that action is right or wrong but ask instead whether sufficient justifications exist to characterize this or that action as right or wrong. Barth’s theological injunction of “respect for
life” is not a rule, and this wins their approval because they search for persuasive reasons rather than challengeable rules. The discourse on abortion is often deeply confusing to people who do not fully appreciate the difference between writing in a law review and arguing in a court of law.

Demonstrating further how “contextual theological ethics” is actually a strategy for decontextualizing the specific formulations of theological ethicists, Freeman and Mensch finagle their way out of Bonhoeffer’s conclusion that abortion is “nothing but murder.” They refer to his acknowledgment of the mitigating circumstances that could lead a woman to choose abortion: such considerations (now quoting Bonhoeffer) “must no doubt have a quite decisive influence on our personal and pastoral attitude towards the person concerned.” On the basis of this quotation, they claim they do not want “to suggest” that Bonhoeffer might have joined the pro-choice movement in the 1960s, but even this negational suggestion reveals the matrix of their hopes, namely that Protestant “contextual theological ethics” offers a more reasonable way than natural law out of the impasse created by strident “pro-choice” and “pro-life” positions.

Donald P. Judges, a law professor at the University of Arkansas, has written a book not unlike Laurence Tribe’s Abortion: The Clash of Absolutes. Judges revisits Roe v. Wade but offers little new insight into why this case in particular became the symbol of mutually exclusive and opposing convictions about abortion. His exploration of the medical aspects of abortion, complete with illustrations of the unborn in utero, dredges up one insight that he repeats throughout the book: “Of course one must not lose sight of the pregnant woman’s circumstances and needs if one really wants to come to grips with the abortion problem. But one also must not deny what actually happens during abortion—particularly later in the second trimester.”

The “ambivalence” of abortion once referred to the personal (and medical-professional) struggle to decide whether to have (or to perform) an abortion. Such ambivalence is now cast in terms of weighing “circumstances and needs” against “what actually happens during abortion.” What “actually happens” is simultaneously acknowledged and entirely abstracted from any empirical description of the delivery of abortion services in the United States. Judges
explains that physicians’ reluctance to perform abortions is a result of their alleged intimidation by right-to-life protests: “In the short run the easiest course for physicians must seem to be to insulate themselves from the entire controversy: not to perform abortions openly, and to keep quiet about the issue generally.” This has been true for more than 20 years.

Judges concludes that a “repugnance hypothesis” should be tested in order to determine at what stage in gestation the act of destroying the unborn becomes not simply unpleasant, but inhuman. Unlike the Court’s determination that the unborn are legally afforded protection once they are able to live outside the womb, Judges’s view is based on the following observation: “as other practitioners [i.e., medical doctors] have informed me, there comes a point at which even abortion practitioners, whom we would expect not to be squeamish, find the procedure very stressful.” That point is before viability, roughly at the time when the results of amniocentesis can be known and an abortion can still be performed (between 15 and 18 weeks), although he never makes the connection.

But will any court use a repugnance test? And why should such a test be reserved for only certain medical procedures? Is this how legal restrictions on abortion were first established? Why must the test be based on normal vision? Does the use of a microscope showing the destruction of the unborn preclude the response of a feeling of repugnance, which could push Judges’s line back to eight or nine weeks, precisely the domain he wishes to preserve for unrestricted abortion?

Once upon a time psychiatrists observed that for many women the knowledge of pregnancy was far more difficult to accept than the prospect of giving birth to a child. The acceptance of abortion as a form of birth control has resulted in the commercialization of pregnancy tests, thus encouraging the abolition of the psychological resistance of wanting to know and accept what has happened.

This abolition has been of no small consequence in the cultural struggle over abortion. Cultural resistance to birth itself, for example, is now well entrenched in the epidemiology of maternal health. The decline in family size achieved by upward mobility has produced a cultural repugnance toward large families, and I dare say toward
children generally. The poor are pitied and the young are chastised for not “using” birth control. The true repugnance hypothesis has nothing to do with a doctor’s reluctance to perform an abortion, it is rooted in the class-based conviction that an “unwanted” child should never be born.

Ronald Dworkin’s approach to the abortion issue is vexing because he writes at times as if no one before him has made similar arguments. In a footnote in the first chapter he lays out his essential argument: “[M]ost people think abortion morally grave not because they think a fetus is a person but because they think a fetus embodies the intrinsic value of human life. On that assumption it makes great sense...to think that women have a right to make the ultimate decision about abortion for themselves, but that the community may properly encourage them to take the decision seriously, as a grave moral matter.” He concludes finally that abortions performed after six months of pregnancy are graver than those before that time. The sacredness of life, in his rendering, is anchored in no interdictory command; nothing is absolutely sacred, only more or less sacred.

Dworkin stands firmly against those forces that would subordinate any individual decision of such magnitude to the will of another: “But though we may feel our own dignity at stake in what others do about death, and may sometimes wish to make others act as we think right, a true appreciation of dignity argues decisively in the opposite direction—for individual freedom, not coercion, for a régime of law and attitude that encourages each of us to make mortal decisions for himself.”

An argument so plainly hostile to the collective forces of tradition, sentiment, and rule allows Dworkin to state that “Because we cherish dignity, we insist on freedom, and we place the right of conscience at its center, so that a government that denies that right is totalitarian no matter how free it leaves us in choices that matter less.” One is left with the sinking feeling that Dworkin has provided a most sensible rationale for teenage suicide (over the age of 16, of course).

He tempts his enthusiasm for such freedom over mortal decisions to the extent that “it is unforgivable...to choose or counsel abortion out of unreflective convenience, or to leave the fate of an unconscious or demented friend to strangers in white coats on the
ground that what happens to him no longer matters. The greatest insult to the sanctity of life is indifference or laziness in the face of its complexity.” It seems as if Dworkin wants it both ways, that is, he desires an end to legal interference on precisely those occasions when so much is at stake for ourselves and others. The attenuation of such interference means that some other institution must address the “indifference or laziness” about which he expresses such sincere concern. But then what other institution does he imagine will effectively address the “complexity” on the one side and the “indifference and laziness” on the other, if not law?

In fact, Dworkin is an exemplary figure in the new class that has organized its life so as to distance itself from the consequences of “abortion freedom” for the young and from the disgraceful neglect of the old, particularly in America. Americans have created and nourished the need for precisely the kinds of new class and new age beliefs in world salvation by thought and “lifestyle” alone. By ignoring these things, Dworkin, however unwittingly, tears at the fragile social web that makes even loneliness and pain more meaningful than death itself. Abortion and euthanasia are the negational freedoms of a culture incapable of developing a constructive theory of what is sacred.
Especially Noted


This book examines six neighborhood organizations and the roles they play in providing supportive environments for inner-city youth. With engaging portraits of kids, organization leaders, and volunteers, the authors explore the strategies that these programs have used to create and sustain successful youth programs despite shrinking budgets and minimal staff.


What are the effects of human-made disasters on communities? How are these effects different from natural disasters? Yale University sociologist Kai Erikson looks at seven communities hit by ecotraumas, interviewing residents and describing the effects on individuals and the social fabric. Human-made disasters, his gripping account concludes, constitute a whole new category of problem for communities, a category that needs to be addressed with its difference in mind.


This book, which contains essays by leading foreign policy experts such as Cyrus Vance, David Gergen, Norman Ornstein, and Bobby Ray Inman, takes on the question of how to “work with an intensely skeptical public to build consensus about the substance of [American foreign policy].” Addressing such issues as the centrality of economic and domestic concerns, the role of Congress in foreign affairs, the shifting American-Japanese relationship, and international environmental policy, this ambitious work allows domestic concerns predominance without catering to the country’s growing isolationism. The subject is a tall order; the book is an excellent start.
Youth Violence: Gangs on Main Street

CAROLE J. HAMNER

Scenes of youth violence and organized gang activity—drive-by shootings, drug dealing, random homicide—appear with increasing frequency in newspapers and broadcasts, on prime-time television dramas, and in controversial Hollywood films. To many Americans these images of gang violence remain just that—images, not real problems that affect them and their communities. Most still think of gangs as a tragedy erupting in the housing projects of Chicago, the abandoned buildings of the South Bronx, and the streets of Los Angeles. But gangs are no longer a problem only in large cities. From Peoria, Illinois to Salem, Oregon, from Springfield, Missouri to Fort Collins, Colorado, from Green Bay, Wisconsin to Rochester, Minnesota, gang activity is on the rise. When the Pew Partnership for Civic Change recently asked selected cities with populations of 50,000 to 150,000 to identify the top three issues facing their communities, nearly a third of these communities cited youth violence and escalating gang activity as major problems.

In the past decade, cities of all sizes have witnessed an explosion in gang violence. Semiautomatic weapons have replaced fistfights or knives as the way to settle disputes, and the consequences have been deadly. According to the Justice Department, the number of teenagers arrested for murder increased 85 percent between 1987 and 1991, and homicide is now the second leading cause of death among individuals between the ages of 15 and 24.

In confronting escalating youth violence, communities have tended at first to treat the issue as a law enforcement problem. The “problem youth” in our cities are viewed as the responsibility of the police and
the Justice Department, and legislatures are implementing increasingly severe penalties for those convicted of drug-related crimes. The “war on drugs” declared throughout the country delegated to law enforcement agencies the task of cleaning neighborhoods of drug dealers. When the general ineffectiveness of the “war on drugs” came into focus, however, policymakers, community leaders, and neighborhood residents looked again at the wide range of social and economic factors contributing to illegal drug distribution and its accompanying violence. Cities across the nation are now developing inclusive, interdisciplinary approaches to the problem of gang violence.

Realizing that youth violence demands broad-based, communitywide action, many leaders are calling for a more comprehensive approach that addresses the education, employment, and health care needs of urban youth and families. Joan Wagnon, a state legislator in Topeka, Kansas asserts, “One more government program, one more cop on the street is not going to work....The community needs to take responsibility and initiative that develop at the grass roots level to reclaim the neighborhood and intervene in the lives of its youth. We need a whole neighborhood philosophy. No single approach works.”

Smaller cities are uniquely positioned to meet the challenges of escalating youth violence and gang activity. Since the problem in these communities is fairly new, a timely intervention could potentially eradicate it, thereby directing a whole generation of youth toward real opportunity. While some smaller cities are bewildered by the newness of the problem, others are already mobilizing. In Peoria, Illinois, members of rival gangs work together pouring concrete to build a sidewalk. Topeka, Kansas has chosen to focuses its efforts on middle school students. In Yakima, Washington, teenagers in a low-income neighborhood where gang activity is prevalent congregate around one of the city’s “Night Action” centers, which offer educational enrichment and recreational activities. In Las Cruces, New Mexico, middle school students work with an award-winning playwright to perform a play addressing their fears and concerns about a recent shooting at their school.
Peoria heard its wake-up call early in 1993 when five homicides occurred in a six-week period. Community leaders and outside consultants negotiated a truce between the two rival gangs, or “nations,” and then sat down with gang leaders to discuss the major issues confronting the community. During these conversations, the young people shared with city leaders their central concern—jobs. The city formed a broad-based task force, including gang members and former gang affiliates, to deal with the immediate crisis and also to look for long-term solutions to the problem. In collaboration with business and nonprofit agencies, the city established Build Peoria, a life skills, pre-employment counseling, and job training initiative. After a thorough orientation, counseling, and assessment period, participants attend classroom instruction for two hours in the morning and work in on-the-job training positions constructing sidewalks and weatherizing buildings for six hours in the afternoon. Participants work with counselors to develop career interests and plan for further education or permanent job placement. The program can accommodate 30 participants. Within a few months, there were over 50 youths on the waiting list.

Bashir Ali, executive director of the Central Illinois Private Industry Council, emphasizes that Build Peoria is not a gang program. “Gangs are symptoms of the problem, not the cause of the problem,” says Ali. “Unemployment, underemployment, issues of self-esteem—these are at the root of the problem.” According to Ali, unemployment and underemployment among African-American males in the community ranges from 50 to 70 percent. By targeting African-American males in Peoria neighborhoods where poverty is widespread, Build Peoria attempts to bridge the gap between those who have job skills and access to opportunity and those who don’t.

Marcus Burnside, a crisis intervention specialist with the Community Action Agency and a leader of the Vice Lords, has been instrumental in the development of the Build Peoria program. According to Burnside, “Most of the guys here, without Build Peoria, would be hanging out on street corners.” When asked if any of his fellow Vice Lords think it’s “not cool” to be active in community affairs and involved with the Gang Task Force, he replies, “Some do—
but they have no desire to change. The majority are pleased and willing to participate. . . . Most would rather have the stability of jobs. It’s more of an economic issue than being cool.”

**TOPEKA, KANSAS (POPULATION 120,000)**

Joan Wagnon, a state legislator representing Topeka, Kansas, admits that gang activity and youth violence are “a very real problem” in Topeka. “It’s not just a New York, and a Chicago, and a Los Angeles problem—but a problem in communities throughout the Midwest.” Topeka has begun to direct more intervention efforts at younger adolescents. While elementary school children have access to some after-school programs, and older teenagers can participate in various community activities like intramural leagues, there are virtually no programs in place for middle school students who are dismissed from school at 2:30 p.m. and have large periods of time without adult supervision or structured activities. Without adequate opportunities for enrichment and recreation, younger adolescents are increasingly at risk. For example, while the teen pregnancy rate for older youth has dropped in recent years, the rate of pregnancy in the 10-14 age group has increased. Youth violence and gang activity, according to Wagnon, are “the high price we’re paying for dysfunctional families. The price we pay for a generation that’s grown up without appropriate parenting.” The challenge is “getting people to accept responsibility to make their neighborhoods work, to supervise each others’ children....It’s our problem. It’s our children. Gangs are a function of kids who need to belong to something, someone.”

**YAKIMA, WASHINGTON (POPULATION 55,000)**

In 1993 Yakima, Washington asserted that it was the fifth-largest drug distribution center in the country—close behind major metropolitan areas like Miami, Los Angeles, and Denver. The amount of drug-related activity created a staggering problem for a city of this size. In 1991 the city experienced a sharp increase in juvenile gang activities—drive-by shootings were frequent and many citizens felt victimized. The 30-bed juvenile detention center was housing more than 60 youths, while other offenders were scheduled to serve their sentences two to three months after sentencing due to overcrowding. The city realized that it needed an alternative strategy.
In response to the crisis, 12 city youth service agencies came together to form the Yakima Gang Prevention/Intervention Coalition. Leaders from various agencies pooled their cash and in-kind support to develop resources for initiating youth intervention programs at five locations throughout the city. “Kids Place” offered after-school activities to youth ages 6 to 12, while “Night Action” operated in the evenings to provide recreational opportunities to older youth. 22 months after the initiative was developed, gang-related crime in the areas where the programs were implemented dropped 87 percent.

Yakima admits, though, that one obstacle to meeting the challenge of youth violence is the denial on the part of certain segments of the community, particularly the affluent, that gang activity is a problem—or more specifically that it is a problem for all citizens, and not simply an issue just for law enforcement to handle. Any long-term solution to the problem demands outreach and educational initiatives to the community at large to create awareness of the issue and support for implementing effective intervention strategies.

LAS CRUCES, NEW MEXICO (POPULATION 63,000)

Evidence of gang activity started appearing in Las Cruces, New Mexico in the 1980s. Community leaders at first tried discourage gang members by subduing any media coverage of the incidents of youth violence. The city explained to the Pew Partnership, “The daily newspaper, at the request of the Police Department, didn’t describe events as gang-related in the hopes that those involved would not be encouraged by coverage of their deeds. But there was no hiding the graffiti, the drive-by shootings occurring in more and more neighborhoods, and reports of youth bringing guns to school made the news [sic]. And finally, a shooting at a middle school during school hours and our first gang related deaths occurred in the streets; we knew we had trouble.”

After the shooting in April 1992 at the Zia Middle School, Las Cruces came together to confront the escalating youth violence and is now establishing a model for civic intervention programs. Led by Mark Medoff, a Tony Award-winning playwright whose daughter attended the Zia Middle School at the time of the shooting, the
community mobilized to address the fears of their children. Over 5,000 students and adults were asked to write about their concerns, and these responses formed the basis of the play, *Another Planet: Voices from Las Cruces, N.M.*, which was performed at New Mexico State University in May 1993. Jarred by the sound of a gunshot, audiences at the performance watch child actors from the community storm the stage crying, “A boy got shot,” and listen to children voice their fears and concerns. One child wants a bulletproof vest and a helmet for Christmas. A twelve-year-old performs a rap song he has written about gangs:

| Gangs are rough/gangs are tough. |
| Gangs are bad/gangs can get mad. |
| Gang is the password to insanity. |
| Gangs are out of humanity.       |
| Take it from me and take it straight. |
| If you listen to them, you’re taking the bait. |
| Don’t take it from them, take it from me. |
| Education is the place to be.    |

Despite a very real, unsanitized view of the problems facing children, the play concludes with a positive vision, “Another planet? We’re here; we’re on it.”

The play was a catalyst to motivate residents to become involved in their community. Medoff’s leadership is a model for mobilizing citizens to participate in civic affairs and make their voices heard.

**CONCLUSIONS**

Youth gangs are not an isolated problem in large metropolitan areas but are making their presence known in smaller communities across the country. In the absence of viable employment, family life, and educational opportunities, an increasing number of youth are turning to gangs for a sense of purpose and belonging. By association with gangs, youngsters often become involved in illegal, dangerous, and life-threatening activities. Gangs, in turn, result from and contribute to the rising crime rates, the loss of community spirit, and the lack of hope in cities throughout the nation.

A few lessons emerge from a review of the factors contributing to the escalation of gang activity and the strategies addressing the
problem of youth violence: First, gangs are a symptom of social ills that can best be cured by education, training, and jobs, both for potential gang members and their families. Second, processes that address the problem of youth violence through interdisciplinary partnerships—like pairing programs in the arts with those in the social services—bridge generational gaps, break down traditional barriers in the community, and create less threatening environments for conversations to take place. Third, youth intervention and gang prevention programs targeting younger children pay big personal and community dividends.

While it is tempting to look to law enforcement for an immediate response to escalating youth violence, a long-term solution to meet the needs of at risk youth demands comprehensive, communitywide collaboration. Angie Hammons, a counselor at a youth intervention program in Fort Wayne, Indiana told the *CBS Evening News*, “These kids are drawn into gang activity because the gangs will give and die for them. They’ll give 100 percent of their life to them and so we, as adults, have to be giving—have to be willing to give 100 percent of our lives to these children.”

**A Communitarian Voice**

As a constitutional scholar, Stephen Carter says he would “prefer that we make important changes in our national mood rather than tinker around with the Constitution.” He would prefer that “we stop asking whether our nominees have ever sinned and begin again to ask whether they will be good at the job.”

Source: *New York Times*
From the Libertarian Side

BREAST-FEEDING RIGHTS IN NEW YORK

A new law in New York State guarantees women the right to nurse their babies in public. The new bill, according to Elizabeth Moore, Chief Counsel to Governor Mario Cuomo, “protects a woman’s civil right to breast-feed in a public or private place. The woman can bring an action in a court if somebody tries to prevent her from breast-feeding....The court could award compensatory damages, if there were such damages.” New York has come a long way from 1984, when it was considered an act of criminal indecency to breast-feed in public. Now it is a civil offense to require someone to cover up.

National Public Radio, 25 May 1994

A RIGHT TO LIVE AND A RIGHT TO DIE?

Americans are guaranteed the right to life, but should we be guaranteed the right to death? Should we be allowed to kill ourselves and do we have the right to a physician’s help in doing so? Physician-assisted suicide’s opponents and advocates alike are sounding more and more like the culture-warriors sparring over abortion. Just as opponents have co-opted “pro-life” rhetoric, supporters have adopted phrases like “choice” and “rights.” And, like the abortion debate, the battle between advocates of a right to die and advocates of a broad interpretation of the right to life has ended up in the courts.

Judge Barbara Rothstein’s May decision made the link to the abortion debate even starker. The terminally ill, wrote Rothstein, have a “constitutionally guaranteed right” to medical assistance in ending their lives. Basing her decision on the 1992 Planned Parenthood v. Casey decision, which reaffirmed constitutional abortion rights,
Rothstein asserted that the terminally ill who wish to end their lives are entitled to the same protection as pregnant women who wish to terminate their pregnancies. Rothstein added that “choices central to personal dignity and autonomy...[are] central to the liberty protected by the Fourteenth Amendment.”

The trouble with such a broad theoretical linkage is that it will inevitably result in an unrestricted right to die. How sick does a patient have to be before being termed terminally ill and being constitutionally entitled to a doctor’s help in finishing himself or herself off? John Leo notes, “Though the judge was careful to insert the words ‘terminally ill’ as often as possible, the logic of the decision seems to establish the right for everyone, young or old, terminal or not....[I]f it’s a basic right, how can it be denied to those who aren’t terminally ill?”

“Once again,” writes Leo, “we are trapping ourselves by an obsession with rights-talk. In principle, rights are always absolute, unconditional....[A right to die] would...translate into an obligation on the part of others to kill or help kill. Isn’t it time to pause and rethink this?”

U.S. News and World Report, 16 May 1994

REASON FOR ASSAULT WEAPONS

Reason, a monthly libertarian magazine published under the slogan, “Free Minds and Free Markets,” has initiated a pro-gun campaign. Back in March a large pull-quote claimed that “if a significant number of law-abiding people made a habit of carrying guns in public, they could create a general deterrent to crime. Citizens carrying guns could also cut short rampages such as Colin Ferguson’s, during which the victims tend to lie low, leaving the gunman a conspicuous target.” The August/September issue included a laudatory article about a Chicago alderman who wants to end the city’s handgun ban. Nearly every issue this year contains some item reiterating the same arguments for the individual’s right to carry guns over the community’s need to restrict them.

In May a brief item bashed New York Governor Mario Cuomo for his support of an assault weapon ban. “State crime figures show that
[Cuomo’s] energy is being misdirected,” wrote Charles Oliver. “In 1992, the latest year for which detailed figures are available, semi-automatic, large-capacity rifles killed 20 people in New York state. That’s 0.8 percent of the state’s 2,394 murders. But hands and feet—beating and stomping—accounted for 117 murders. That’s nearly six times the number caused by assault weapons.”

Reason misses the point. Few argue that assault weapons are a major tool for murder, even in New York. Advocates of banning assault weapons, rather, argue that the 20 murders with semi-automatic rifles were the 20 most easily preventable New York murders in 1992. Assault weapons play no constructive role in society (unlike hands and feet)—they are designed solely to kill. Is there any reason society should tolerate even one unnecessary death by humoring the right to own assault weapons?


From the Authoritarian Side

ADOLF HITLER: A ROLE MODEL FOR MODERN JAPAN?

A new book by an official of Japan’s Liberal Democratic Party (LDP) looks to the Nazi Party’s electoral strategy as a model for the once-dominant LDP’s return to power. The book, written by Yoshio Ogai, is entitled “Hitler’s Election Strategy: A Bible for Certain Victory in Modern Elections.” The book, which leads its chapters with quotations from Mein Kampf, argues that “the foundation of Hitler’s political strategy is mass politics” and that “this is a strategy that truly fits modern political activity.”

Although the LDP, which ruled Japan for 38 years, desperately seeks to regain power after being ousted last year, the recommendation that the party look to Hitler for guidance is more than a little extreme. The LDP has distanced itself from the book. A spokesman for the Tokyo party office, where Ogai works, said that Ogai wrote the book as an individual, not as a representative of the party.
The book does not appear to advocate racial violence, concentrating, rather, on extolling Hitler’s electoral struggle. Still, Ogai and his publishers leave little doubt where their sympathies lie; the book contains many favorable pictures and descriptions of the Fuhrer.

Wall Street Journal, 7 June 1994

DEFENDING THE VIGILANTES

Roger McGrath’s article, “Treat Them to a Good Dose of Lead,” in the January 1994 issue of Chronicles examines the historical role of vigilantes in law enforcement. Elaborating on this thesis in the May 1994 issue, McGrath writes:

A careful analysis of the committees of vigilance of the Old West suggests that the great majority were, in the words of historian Richard Maxwell Brown, “socially constructive movements;” the majority of townsfolk either participated in the movement or approved of it; the vigilantes were well regulated; they dealt quickly and effectively with a specific criminal problem; they left the town in a stable and orderly condition; they disbanded before substantial opposition developed.

Moreover, a typical committee of vigilance formed an executive committee, adopted a constitution, organized itself into companies and squads, and had a chain of command. Although impassioned and violent, vigilantes were usually highly disciplined, orderly, and deliberate....

...[W]e, as a people, as a society, as individuals, not only do not do much to defend our persons or property but also do little to defend our culture, borders and language....[A]n organism that does not defend itself, dies.

Nelson Van Valen wrote to Chronicles questioning Roger McGrath’s intentions:

[A] return to vigilantes in Los Angeles is unthinkable. In a xenophobic parting shot that one cannot but suspect reveals much of the basis of his unease with current developments in Los
Angeles, Professor McGrath asserts that ‘we’ are failing to defend not just ‘our persons, our homes’ but also ‘our culture, our borders, our language’; ‘we hand the barbarians the keys to the gates.’”

Chronicles, May 1994

DEATH THREATS SILENCE OPPOSITION

Bangladeshi writer, Taslima Nasrin, had to flee her country and go into hiding after death threats by fundamentalist Muslim groups. A bounty was placed on Nasrin’s head after she was quoted in a newspaper saying the Koran must be revised to reform the rules that restrict women’s activity. The writer’s comments instigated a nationwide strike that required 10,000 government troops to restore order. After the event, the government accused Nasrin of outraging the religious emotions of Muslims. This charge can result in up to two years in jail.

After surrendering to authorities and being released on bail, Nasrin left for Sweden and immediately went in to hiding. As the Toronto Star states, “Ultimately, the desired change most likely will come from within the Muslim world, when credible voices, including theologians, will declare in public what they say in private: that these populist fatwas [or death sentences] are political tools that violate the letter and the spirit of Islam—a religion too just to condone vigilante justice.”

Press Reports
Toronto Star, 7 August 1994

UNDEMOCRATIC OPPOSITION

The Clinton Chronicles, promoted by televangelist Jerry Falwell, alleges to have uncovered shocking secrets about Clinton’s sex life, financial dealings, and other grave acts of misconduct while he was in Arkansas. Most striking, the video claims all those in Arkansas who have tried to speak out about Clinton’s unethical acts have been murdered or beaten and left for dead!
Clinton, responding to allegations about his character, stated that he respects the religious beliefs of evangelicals but faults them because “they say that anybody that doesn’t agree with them is Godless, anyone who doesn’t agree with them is not a good Christian, anyone who doesn’t agree with them is fair game for any wild charge, no matter how false, [and] for any kind of personal, demeaning attack.”

Los Angeles Times, 25 June 1994

From the Community at Large

COMMUNITARIAN SKINHEADS

When eleven-year-old Ian O’Gorman began losing his hair because of treatment for non-Hodgkins lymphoma, 13 of his San Marcos, California classmates shaved their heads. Following an operation in which O’Gorman’s doctors removed a baseball-sized tumor from his small intestine, O’Gorman was placed on chemotherapy and began losing his hair. His classmates, in an en masse expression of sympathy, traveled to a local hair salon and emerged with shiny bald scalps. “We shaved our heads because we didn’t want [Ian] to feel left out,” says Erik Holzhauer on behalf of the Bald Eagles, as the boys have dubbed themselves.

It started as a joke when Ian’s friend Taylor Herber visited him in the hospital. “At first I said I would shave my head as a joke, but then I decided to really do it,” Taylor says. “I thought it would be less traumatizing for Ian.” The other boys joined Taylor—as did their teacher, Jim Alter—when he announced his intention to go bald. “They did this by themselves,” says Alter. “It was their own idea. The parents have been very supportive.” Even a few of the girls jumped on the bandwagon, although they jumped off at the last minute.

“What my friends did really made me feel stronger,” says Ian. “It helped me get through all of this. I was really amazed that they would do something like this for me.”
The Bald Eagles plan to remain bald as long as Ian does. "When Ian gets his next CAT scan," says Erik, "if they decide to do more chemotherapy, we'll shave our heads for another nine weeks."

People, 11 April 1994

A MAN'S PLACE—IN THE HOME

The number of fathers staying home to take care of children is growing rapidly and is largely responsible for a 5 percent decrease in the proportion of families sending their children to day care, according to a Census Bureau report issued in May. "It's the best-kept secret in American child care," says James Levine, director of the Fatherhood Project at the Families and Work Institute. "The reality is that a lot more men are doing this than we thought."

According to the report, the proportion of children in paid child care programs shrank from 40 to 35 percent over the period from 1988 to 1991. During the same timespan, the proportion of preschoolers whose mothers work and who were cared for by their fathers rose from 15 to 20 percent.

The Census Bureau attributes the change to tight family budgets. Says demographer Lynne Casper, "They're stretched to their limits now and they can't afford to pay for day care." If both parents are working, many more parents work opposite shifts to avoid placing their children in day care. Negative press about the poor quality of many day care programs has also caused dads to stay home.

Is this trend subject to change as the economy improves? While the increase in the unemployment rate for fathers in the late 1980s contributed to more dads caring for their children, the pattern is unlikely to change as the economy improves, according to Frances Goldscheider, sociologist from Brown University. "Once people have done something and lived it, it's hard for them to be quite as negative about it."

Washington Post, 20 May 1994
U.S. Census Bureau
Thirty-six percent of Americans currently participate in volunteer work with a family-member, according to a study released in June. Based on a Gallup poll of 1,002 adults, the study concludes that 80 percent of those who volunteered with a family member had done so for three years or more. “Once it starts, volunteering is an activity that families will continue,” concludes Virginia Austin, director of the “Family Matters” program at the Points of Light Foundation, the organization that sponsored the study.

A separate “Family Matters” study identified trouble spots that must be addressed before more families can volunteer together. While half of the 166 large corporations participating in the study encouraged family members to become a part of corporate-organized service projects, 25 percent of companies reported difficulty finding service opportunities in which families could volunteer together. Further, 22 percent claimed that their corporate managers were not interested in promoting family projects.

Chronicle of Philanthropy, 14 June 1994
Points of Light Foundation
The following is a summary of the points for discussion prepared by Amitai Etzioni for the White House Conference on Character Building for a Democratic, Civil Society. The conference, convened by The Communitarian Network on 29-30 July 1994, brought together academics, educators, policymakers, representatives of religious organizations, CEOs, heads of labor unions, and other community leaders in the area of character education.

**Points for Discussion**

We urge parents, educators, community leaders, religious groups, and other concerned citizens to champion character education. We should seek, building on the following points, to incorporate character building into our homes, neighborhoods, places of worship, state and national educational agendas, various educational performance tests, school curricula and, above all, school structures themselves. The U.S. Department of Education should serve its traditional role as a clearinghouse and call special attention to schools, communities, and individuals that have already developed and implemented some of these points, so that the rest of us may learn from their achievements and tribulations.

Ben Franklin said, “Only a virtuous people are capable of freedom. Nothing is more important for the public wealth than to form and train up youth in wisdom and virtue.” A modern interpretation of this observation is that a society cannot sustain its liberties, or even civility, unless most of its members do what is right most of the time because they heed what they know is morally compelling.

**The Basics**

1. Character building is at the base of all virtues. Character is a set of psychological traits that enables a person to commit to values. Critical among these traits is self-discipline (sometimes also referred to as impulse control or the ability to defer gratification), without which individuals grow up to be unethical, uncivil, and ineffectual. Character is the psychological equivalent of a muscle that, if developed, enables a person to abide by the values to which
he or she is committed. Without such an ability, persons may well ignore the call of values or merely pay lip service to them.

Empathy is another foundation of character; without it those who are self-disciplined might commit themselves to nefarious purposes. Empathy is the psychological base for values such as caring, respect for others, and concern for the common good.

- Character education and moral education (or values education) are often used interchangeably. It seems useful to think about character in a narrower and more precise sense. Character is the basis of all virtues.

Though character is the foundation on which all values education must be based if it is to be solidly grounded, character building is no substitute for erecting a normative structure—which is the values that the younger generation must acquire. Without character, merely knowing what is right is no assurance that we shall live up to it. At the same time, character without values grafted upon it lacks content.

- We should not treat violence, drug abuse, illegitimacy, promiscuity, abusive attitudes towards people of different backgrounds, alcoholism, and poor academic performance as isolated phenomena. While a variety of factors cause these social maladies, they all reflect weak self-discipline and a lack of empathy. We cannot expect to expunge antisocial urges; we all have them. But people of character learn to cope with urges in socially constructive ways rather than always yielding to impulse.

Unless each generation acquires the necessary character, there can exist neither ordered liberties nor a society whose members act responsibly and cope with their problems on their own or by caring for one another.

2. Though our focus is on character as a foundation, we need to address the question of whose values schools will introduce and cultivate. For public schools (which still encompass some 88 percent of all school-age young people), our answer is those values shared by the community—such virtues as veracity, treating others with dignity, and viewing the environment as a sacred trust. Private schools are the proper place to advance particularistic values.

PARENTS, SCHOOLS, AND COMMUNITIES

3. The first responsibility for character building lies with parents, who should be encouraged and enabled to lay the foundations for
ethical, civil, and effective persons. To the extent that parents themselves have underdeveloped characters, educators should provide schooling for adults on parenting.

4. Schools have a significant role to play in character building by supplementing and extending the work of parents while remaining by and large under parental and community guidance. Where parents are absent or have grossly neglected their responsibilities, schools must step in.

5. Parents and local communities should have the final word in matters of character building. (For instance, should schools have football programs? Should they require community service as a criterion for graduation?) However, parental guidance should not violate society-wide values expressed in the Constitution or otherwise very widely shared. For instance, no community or group of parents may limit freedom of speech, freedom of assembly, or other such values.

Engaging parents in the school is a major source of energy for character building, as well as an opportunity for sharing the school’s missions with the community. Schools should involve parents, especially in character-building endeavors, rather than attempt to limit their role, although parental involvement can pose its own challenges.

Teachers’ and other educators’ professional knowledge should be heeded. For instance, topics such as the best methods for teaching reading and writing should not be subject to majority vote. On matters of character, though, the voice of parents and communities should take precedence—within the stated constitutional limits.

**A COMPREHENSIVE APPROACH**

6. Character education should imbue the full range of school experiences. It should not be limited to classes on civics, nor is it only a matter of curriculum content. A comprehensive approach uses all aspects of schooling—the human curriculum as well as the academic curriculum—as deliberate tools for character development. The way sports are conducted, grades are allotted, teachers behave, and corridors and parking lots are monitored all send moral messages and significantly affect character development. It is also important not to disregard the corrupting and corrosive effects of small but chronic rule violations. When homework is not handed in, when students insult teachers or one another, when students do not show up for detention, when they sleep in class and nothing happens, poor values are being modeled and they are being internalized by students. If students’ characters are to be devel-
oped, schools must institute fair, consistent enforcement of the rules that govern conduct.

- When students help to resolve a dispute as peer conflict mediators, when they engage in group decision making and collaborative work in a cooperative learning project, when they develop face-to-face helping relationships through school and community service, and when they take on responsibility for reducing school vandalism or violence as members of student government, they are moving from moral awareness to commitment and caring through meaningful action.

- Role playing, simulated legislative assemblies and hearings, moot courts, corridor and playground patrols, peer mentoring, and conflict mediation are all ways that schools can teach students to communicate better.

- Schools should ensure that all students, not just the best and the college bound, are enrolled in serious humanities and social studies classes.

- To help ensure that schools will be attentive to character building, schools should conduct, at least once a year, a retreat for all personnel to examine school-generated experiences—and not primarily the curriculum.

- Sports provide an important experiential opportunity to learn to play by the rules.

- Schools that are able to motivate pupils to perform meaningful homework assignments will find that this capacity is a mark of self-discipline and also helps develop it.

We cannot emphasize enough that character development is a matter of psychological maturation, emotive and normative development, and not merely a cognitive or academic issue. A student may be quite familiar with the three branches of government, the number of members of Congress, and the length of presidential terms without having the character that citizenship in a democratic, civil society requires. It follows that as educators prepare teaching methodologies and materials, they must be attentive to every aspect of personality development and not simply to matters of the mind. Becoming a good citizen requires developing the fortitude that self-control entails and developing a tolerance for differences, thus enabling one to work out the compromises that are at the root of democratic government.

We believe that character education is key to education reform and thus it should have a distinct place in the national education agenda. As Theodore Roosevelt said, “To educate a person in mind and not morals is to educate a menace to society.”
• We suggest that character building should have a prominent place in the National Education Goals.

• We support the efforts of members of Congress to pass legislation that supports character education, and we suggest that more Senators and Representatives support character education legislation.

8. To enhance the impact on character building of educational institutions (and to broaden their role as community institutions), schools should open their doors more hours a day, more days a week, and more months a year. By enabling schools to serve as community centers open to parents and other members of the community, we would enhance their educational role.

9. Schools should communicate a strong and abiding commitment to individuals’ rights as part of citizen education, but must also foster a lasting dedication to the common good.

10. Community service, when properly conducted, can be an effective means of developing citizen commitments and skills by action rather than merely by contemplation.

11. The military often helps develop the character of the younger generation. Among the programs now under development that deserve study and possibly additional support are: (a) nearly doubling the number of junior ROTC programs from 1,500 to 2,900, adding 150,000 students by the year 1998; (b) career academies affiliated with various branches of the military for “at risk” teens; and (c) the “troops to teachers” program.

The full text of this document is available from The Communitarian Network.

"Pure Facts..."

"As the Clintons’ socialist steamroller grinds out new programs, new entitlements, higher taxes, and ever larger deficits, conservatives are left scratching their scalps: How is it that...after a dozen years of Ronald Reagan and George Bush, the power of the federal government to invade nearly every aspect of our lives through confiscatory taxation, burgeoning social welfare schemes, and invasive regulation is greater than ever?"

Source: Chronicles
Juvenile Curfews: A Safer Community or a Loss of Rights?

A SAFER COMMUNITY

In the city of Atlanta, the need for a curfew became apparent after two children were killed just days apart. The first, a four-year-old, lay asleep in bed when she became the innocent victim of teens involved in a drive-by shooting. The second child, age 13, was gunned down in a case of mistaken identity while standing on a street corner at 4:15 a.m.

Following these incidents, outraged parents demanded better protection for their children, and the city responded by enacting a curfew ordinance in November 1990.

My job was assisting Atlanta Councilwoman Davetta Johnson in writing a law that would withstand constitutional challenge. At the time, my interest in the issue was purely legal. But that’s changed since I’ve become a parent. Like many other parents, I now realize that curfews are necessary to keep our children safe from crime. And, as courts have agreed, they can be constitutional if properly drafted.

Under the law, the constitutional rights of adults and minors are not protected equally. Minor rights can be regulated to a greater degree. Because curfews implicate fundamental rights, however, courts generally have subjected curfews to strict scrutiny. Under strict scrutiny, a curfew can only be upheld if it is narrowly tailored to serve a compelling governmental interest.
There’s no doubt that reducing juvenile crime and promoting juvenile safety qualify as compelling interests. The next question is whether the curfew is narrowly drawn. Courts have interpreted that to mean the curfew cannot infringe on certain fundamental rights.

For instance, the 5th U.S. Circuit Court of Appeals recently upheld a curfew adopted by the city of Dallas, which prohibits juveniles from remaining in public places between the hours of 11 p.m. and 6 a.m. on weeknights, and from 12 midnight until 6 a.m. on weekends.

The curfew was found to be reasonable because it used the least restrictive means of accomplishing its goals by exempting juveniles who were: 1) accompanied by a parent or guardian; 2) engaging in core First Amendment activity; 3) traveling to or from employment; 4) engaged in interstate commerce; or 5) responding to an emergency.

The only activity that the Dallas law limits is aimless, senseless hanging out on street corners in the middle of the night. As this law demonstrates, curfews do not violate the due process rights of juveniles when appropriate exemptions are incorporated.

Some have argued that curfews can be abused and used as a means to harass and intimidate, but the Atlanta experience is just the opposite. Through proper training, the Atlanta police force has been taught to view the curfew as a method to protect children, not to bully them. Children are taken home to their parents, whenever possible, rather than to juvenile detention. Instead of an arrest warrant, the officers conduct field interviews.

Atlanta Police Chief Eldrin Bell touched the heart of the matter when he told his troops: “Our goal is to engender positive contacts between police, parents, and children. Our intent is to improve the safety of our children and to support and underscore parental authority.”

No right is absolute. I view a properly drafted, properly enforced curfew as a minor restraint on our right to life, liberty, and the pursuit of happiness. If only one child is saved by a curfew, isn’t it worth it?

Overtis Hicks Brantley
A LOSS OF RIGHTS

She is 16 years old and a mother. As such, the government expects her to be responsible for her child. She must provide him with the basics: food, clothing, shelter, medical care. The government does not remove the baby from her home unless and until there is evidence that she has abused or neglected him. This teenager is legally recognized as old enough to care for a child. Yet under the newly enacted juvenile curfew in Dade County, she is deemed to young to decide to stay out after 11 p.m.

Curfew fever is sweeping the nation as politicians scramble to appear tougher on crime than their confreres and opponents. There are already juvenile curfews in place in Dallas, Atlanta, and Dade County, and Florida Attorney General Bob Butterworth has proposed a statewide curfew that would subject anyone under the age of 18 to arrest for being out after 11 p.m. and before 6 a.m. on a school night, and after midnight and before 6 a.m. on other nights.

In attempting to have these ill-advised measures pass constitutional muster, proponents of curfews generally pack them with exceptions, such as being out after curfew for employment, school-related activities, religious exercises, and, the exception that swallows the rule, “first Amendment-protected activities.”

Regardless of the number and breadth of the exceptions, youth curfews violate fundamental civil liberties principles. Those of a certain age are placed under virtual house arrest every night with no charges levied, no right to counsel, and no trial. A youth curfew subjects a targeted population to summary punishment based upon an immutable characteristic (age), with no showing of individual criminal culpability.

We have some very sorry history when it comes to violating liberties in a speculative attempt to obtain security. During World War II, for example, the government interned more than 70,000 American citizens of Japanese descent. The justification was one of national security—after all, we were at war with their relatives. There
was no due process afforded those sent to camps, nor any requirement that seditious behavior be in evidence before these Americans were deprived of liberty.

Today, we repeat our painful mistake—condemning a group for the misdeeds of a few—and dispensing with the pesky and the time-consuming requirements of individual suspicion, accusation, and proof.

Juvenile curfews are justified as necessary for crime prevention. But there is absolutely no empirical evidence that curfews are effective. In fact, the Miami Herald has investigated the Atlanta curfew, which has been in effect the longest, and reported that police routinely ignore the curfew violations. They are too busy combating real crime and have not time for the curfew’s babysitting responsibilities.

After all, the police already have the right—and, indeed, the responsibility—to stop anyone suspected of wrongdoing; curfews only give them the added obligation to stop everyone who appears to be under a certain age.

If the officials of Dallas, Atlanta, and Florida and the numerous other cites around the country that have passed juvenile curfews believe that curfews will deter a teen bent on crime, they are woefully misinformed. All these ordinances will do is restrict law-abiding teens’ freedom of movement, and teach our newest and most impressionable citizens that, like alcohol and tobacco, the Constitution is for adults only.

Robyn E. Blumner

The Three R’s and a V?

Only 8 percent of people think the quality of education in the United States is a problem. Violence in schools, however, is seen as a growing concern. In 1985, 1 percent of people called violence a major problem; today, 18 percent see violence as a growing worry.

Source: USA Today
One Fourth Amendment for All

HARVEY GROSSMAN

During four days in July and August 1993, Chicago Housing Authority police, pursuant to a new weapons search policy, searched over 1,800 apartments in 12 buildings because gunfire had been reported to be coming from the buildings many days earlier. The searches were conducted whether tenants consented or not and without any cause whatsoever to believe that weapons were present in a particular apartment.

The police combed through personal possessions, dumping clothes from closets, rifling through dresser drawers and cabinets, lifting mattresses and sofa cushions, and opening locked boxes to thumb through private effects.

Many tenants consented to the 1993 weapons searches, but many did not. The police recovered 24 weapons—most from hallways and vacant apartments. Not one weapon was found as a result of a non-consensual search.

Contrary to Yarosh’s account in the Summer 1994 issue of The Responsive Community (with only one exception), these are the only searches by CHA, to our knowledge, that differ from the terms of a consent decree in the ACLU’s 1988 case, Summeries v. CHA. When we settled Summeries, the ACLU and CHA agreed to emergency housing inspections that do not allow private areas of a tenant’s apartment to be searched.

When Yarosh cites sources stating that “sweeps” have made CHA buildings safer, the references are to Summeries inspections. Hundreds of Summeries sweeps have been made, while the weapons searches were only done once and have had no measurable impact on crime rates.
Pratt v. CHA is the lawsuit that challenges warrantless weapons searches. It is these intrusive weapons searches that the Court banned. Under the Court’s injunction, the CHA remains free to conduct Summeries sweeps. It is barred only from searching a unit for weapons when there is not probable cause to believe the tenant has a weapon or where there is no tenant consent.

Some communitarians have tried to justify weapons searches by saying the tenant “community” supports them as necessary to achieve safety. This is misleading and dangerous to our most basic and cherished freedoms. No “community,” including CHA tenants, speaks with one voice.

Regardless of what one thinks about the tension between individual freedoms and majority views, Yarosh’s argument for weapons searches is premised on the theory that they provide safety and save lives. They don’t. The CHA’s own police captain admitted in Pratt that the weapons searches are merely Band-Aids that do not enhance security. The problem is that weapons are abundant in our cities and the CHA buildings have hopelessly porous security. The CHA’s own witnesses testified that after a building gets searched, weapons are brought back in “within minutes.” What the ACLU and its clients have advocated for at CHA is adequate law enforcement equal to that provided to other Chicago neighborhoods.

Whatever communitarianism means, it ought not to support eradicating the privacy and sanctity of the home. Should one citizen’s home be searched just because a majority of one’s neighbors think it’s a good idea? And which of our communities are the most likely to be faced with this dilemma?

All communities should receive adequate and equal law enforcement services before residents are asked to give up their dignity and privacy. Instead of pretending that public housing residents are making voluntary and informed choices about waiving these rights in the name of security, communitarians should focus on ensuring that public housing communities are given adequate security in the first place. Then there will be no cause to discuss whether core Constitutional guarantees should be abridged.

Harvey Grossman is the legal director of the American Civil Liberties Union of Illinois and chief counsel in Summeries v. CHA and Pratt v. CHA.
The Minority Rights Dynamic

PETER SKERRY

Daniel Tichenor in the Summer 1994 issue of *The Responsive Community* does well to focus our attention on the political-structural aspects of immigration, since the public debate has defined immigration in narrowly economic terms. Tichenor correctly notes the manner in which both liberal and conservative elites conspired throughout the 1980s to treat the current influx of immigrants as the ultimate free lunch—substantially ignoring its tremendous fiscal and economic impacts. Despite the fact that those chickens are now coming home to roost, Tichenor is also correct to emphasize that economic considerations are *not* the most pressing ones.

Significantly, Tichenor also rejects the presumed cultural threat of this influx. My own research demonstrates this threat of the inability, or unwillingness, of immigrants to adopt the values and language of mainstream America to be nil. As Tichenor notes, the real threat arises from the culture of rights into which today’s immigrants are all too readily assimilated. But this is properly construed less as a cultural than a political problem, reflecting the nature of contemporary institutions.

My complaint is that Tichenor does not carry his analysis far enough. Take, for example, his point that today “a centralized, rights-based regime...teaches [immigrants] little about obligations and the value of participation.” Earlier this century strong mediating institutions (including political machines and labor unions) served to moderate the demands newcomers placed on American society. Because ethnic leaders were obliged to translate raw numbers into organizational muscle in factories or at the polls, their enthusiasm for new arrivals was tempered by the realization that newcomers inevitably undercut the position of their members, themselves only recently arrived.

Today, mediating institutions are greatly weakened or nonexistent, and ethnic leaders encounter no such moderating influences. In this nonparticipatory context, leaders are not even expected to orga-
nize their members for political ends. Instead, their power, status, and claims increase automatically with rising census counts. In today’s rights-administered regime, leaders don’t need voters, or even protesters—just warm bodies. Accordingly, the only concerns about immigration that I have heard voiced by immigrants have come from unions such as the United Farm Workers and Alinsky community organizations.

To be sure, the negative impacts of immigration affect not only compatriots of the new arrivals, but also other Americans. Chief among these, Tichenor courageously points out, are black Americans. But here again, Tichenor does not press his case far enough, for in this arena we are not just talking about rights, but about minority rights. This means that virtually all reasonable discussion of the impact of such rights on their intended beneficiaries, or on those who bear the burden of these rights, gets ruled beyond the bounds of legitimate public discourse. This is precisely the dynamic that has led to the present situation, identified by Tichenor, in which the potential conflicts of interest between black Americans and immigrants, especially Hispanics (likewise perceived as an aggrieved, rights-claiming minority), never get examined.

I would press Tichenor to ask not just why whites have not raised important questions about the impact of immigration on blacks, but also why black leaders have not done so. The answer, I believe, lies in the perverse dynamics of contemporary minority rights.

The regime in which immigrants are today being inducted is not only new—a point about which Tichenor seems conflicted—but more troubling than he acknowledges.

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