Looking Back
Irving Kristol • Nathan Glazer
Adam Wolfson

Spies and Bureaucrats
Thomas G. Mahnken

Character and Culture  James Q. Wilson
Love and Marriage—and Family Law  Daniel Cere
Assimilation, Past and Present  Robert A. Levine
What Ails Health Care  David Gratzer
The Media We Deserve  Mark Blitz
Rethinking the Population Problem  Nicholas Eberstadt

Public Art for the Public
Ronald Lee Fleming & Melissa Tapper Goldman

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Notice To Our Readers

The issue you hold in your hands will be The Public Interest's last. No journal is meant to last forever, and this one won't try to. We have decided, after forty years, to call it a day.

"The aim of The Public Interest," we remarked in our very first issue, "is to help all of us, when we discuss issues of public policy, to know a little better what we are talking about—and preferably in time to make such knowledge effective." We think we have lived up to this aim pretty well, but in the end, history will be the judge of that. Now we leave it to others to carry on the arguments and debates as they see fit, in other venues.

Meanwhile, we simply want to express our deepest gratitude to our many colleagues, contributors, and readers, who made this exciting and quite extraordinary adventure possible over the last four decades.

The Editors
March 2005
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Why Are the Poor Still With Us?

Nathan Glazer • Eveline M. Burns
Back in 1965, in New York, my old friend Daniel Bell, then a professor of sociology at Columbia University, and I, then vice-president of the publishing firm Basic Books, were deeply troubled. The source of our discomfort was the mode of thought that was beginning to dominate political and social discourse in and outside of academia—an ideological mode that made nonsense of the existential reality of American life.

One of the most egregious examples of this ideological nonsense, popular among sociologists and dramatized by the press, was the idea that the way for the poor to escape from poverty was to organize to “fight city hall” and “gain power.” This seemed plausible at a time when socialist and quasi-socialist ideas were still very much alive, prompting many to believe that the cure for poverty was political activism (relying upon the state) rather than economic activism (encouraging entrepreneurial energy in markets).

Both Dan and I had come from poor families, had gone through radical phases in our youth, and were appalled to discover that ideas we thought discredited had acquired a new lease on life. Dan, in those days, described himself as a democratic socialist (he still does, incidentally), while I was a somewhat skeptical liberal. We certainly thought there was a role for government in moving people out of poverty—a much larger role than conservatives thought appropriate. But we did not believe that political activism (a.k.a. “the class struggle”) could deliver people from poverty.
Then, there was the scholarly nonsense, promoted by the Ford Foundation and echoed by most of the other major foundations, that “automation” threatened to abolish people’s jobs, while at the same time throwing them into a life of affluent leisure for which they were intellectually and morally unprepared. Obviously, these foundations, and the universities and media as well (the media by then being populated by college graduates), had a crucial role to play in rescuing the American people from this ghastly fate. The result was a plethora of conferences on the imminent problem of mass leisure, out of which emerged a plethora of big books.

Dan, who knew more economics than I did, was infuriated by the basic ignorance this episode revealed, an ignorance of how an economic system copes with innovation. I was astounded by the ease with which Marx’s description of the idyllic life under socialism had been unwittingly transformed into a nightmare by persons mainly on the Left. President Johnson lent credibility to the issue by appointing a Commission on Automation, which included Dan and a brilliant young M.I.T. economist, Robert Solow. Together they helped write so sobering a report for the Commission that it succeeded in making the topic a deadly bore.

These were the kinds of issues that provoked the founding of The Public Interest. Financially, it was made possible by a $10,000 grant from a friend, Warren Manshel, who was promptly designated publisher, with Dan and myself serving as co-editors. The journal’s first home (with the benign approval of another friend, the president of Basic Books) was my modest office at Basic Books, and the entire staff consisted of my secretary-assistant Vivian Gornick, a talented young woman who was soon to launch her own career as a feminist and a writer for the Village Voice. Dan and I named the magazine, designed it, and printed (as I recall) some 1,200 copies of the first issue. For articles, we simply rang up friends and acquaintances whom we believed to be on our “wave length.” The first issue featured articles by Pat Moynihan, Robert Solow, Robert Nisbet, Jacques Barzun, Nathan Glazer, Martin Diamond, and Daniel Bell, among others. The second and third issues introduced such other notable contributors as James Q. Wilson, Earl Raab, Milton
FORTY GOOD YEARS

Friedman, and Peter Drucker—not all of them so very notable at the time.

We made one easy editorial decision at the outset: no discussion of foreign policy or foreign affairs. Vietnam was arousing a storm of controversy at the time, and we knew that our group had a wide spectrum of opinion on the issue. We did not want any of the space in our modest-sized quarterly to be swallowed up by Vietnam. The simplest solution was to ban foreign affairs and foreign policy from our pages.

We also made a financial decision: The co-editors would not be paid. Our reasoning, again, was simple. Because the subsidy to the magazine (with the increase of circulation it quickly went up to several tens of thousands of dollars a year) came from the pocket of a friend, we did not want to be in the position of taking his money for ourselves. This principle survived until today, despite significant changes in the magazine’s circumstances. Among those changes were the renting of a sliver of office space in a nearby office building, losing Vivian Gornick to the world of journalism, and acquiring a new secretary-assistant, Rita Lazzaro, who spent the next 18 years presiding admirably over our office. In 1987, we made what may have been the most significant change: moving to Washington.

After a few years, the increased recognition the magazine was receiving (alas, barely reflected in its circulation) attracted some conservative foundations. In one of my essays in the Wall Street Journal, I had urged such foundations to stop moaning about the welfare state, the “road to serfdom,” the death of free enterprise by “statism,” and the iniquities of the income tax, and address the realities of the conservative situation. I wrote this not as a “movement conservative” but as someone who thought it would be best for American democracy if conservatives would engage in a serious way the world as it existed—a world that in some respects was prospering, despite those fatal injuries the New Deal had presumably inflicted on it.

I struck a responsive chord. At least a few of those conservative foundations felt the desirability of breaking out of their self-imposed ghettos. First was the Smith Richardson Foundation, which consisted, in its entirety, of Randall Richardson, his secretary, and a large pot of money from his family fortune. Randy became a friend and sup-
porter, and was soon followed by the Olin Foundation, headed for the last two decades by another friend and ally, James Piereson. Finally, there was the newly created Bradley Foundation under former Olin executive Michael Joyce, who became a tower of strength in the years ahead.

FOR the first seven years of its existence, The Public Interest was generally regarded (and regarded itself) as a moderately liberal journal. The editors and most of the contributors, after all, were registered Democrats. Pat Moynihan was in the Kennedy and Johnson administrations, and in 1968, I was on a Hubert Humphrey campaign task force. It was the election of 1972 that precipitated the first political divisions in our community. Daniel Bell could not bring himself to vote Republican and unenthusiastically endorsed George McGovern. About this time, he also stepped down as co-editor, to be replaced by another old friend—and, as it happened, Democrat—Nathan Glazer. I, on the other hand, repelled by McGovern’s views on foreign policy, unenthusiastically endorsed Nixon’s re-election. My Republican vote produced little shock waves in the New York intellectual community. It didn’t take long—a year or two—for the socialist writer Michael Harrington to come up with the term “neoconservative” to describe a renegade liberal like myself. To the chagrin of some of my friends, I decided to accept that term; there was no point calling myself a liberal when no one else did. And I had to face the fact that voting for Richard Nixon was, in the university world and in the intellectual world generally, the equivalent of a Jew ostentatiously eating pork on Yom Kippur. It was an act of self-excommunication. In fact, some of my critics regarded it as especially heinous for a Jew to abandon the creed of liberalism. For them, neoconservatism was seen as a religious as well as a political heresy.

Some of my best friends and close associates at The Public Interest did not join me in that heresy. The magazine continued to shy away from anything resembling partisan politics and concentrated on revisionist social science. This was the original impulse behind the founding of the journal, and it continued to be the major—although never exclusive—focus of our editorial activity. It was, so to speak, the bread-and-butter of our offerings, suggesting new ways of looking at the problems of poverty, economic
inequality, educational equality, sex education, gun control, and so on. We invited and published the findings of social research, however heterodox. We also enriched it with newer modes of economic analysis, thus giving it an additional claim to non-ideological objectivity.

But we were never single-minded economists or social scientists. On the contrary, we soon discovered that behind the hard realities of economics and social science were the equally hard realities of morality, family, culture, and religion—the “habits of the mind” and “habits of the heart,” as Tocqueville said, that determine the quality and character of a people. To the extent to which these factors, too, could be subject to social research and thoughtful social analysis, they gave our articles their distinctive character. In its last decade, the magazine had the good fortune to acquire, first as executive editor and then as the editor, Adam Wolfson, who brought with him a lively interest in and keen appreciation of just such subjects.

In my case, this mode of thought took the form of what came to be known as neoconservatism. I was then writing a monthly essay for the editorial page of the Wall Street Journal, and it was there that neoconservatism could be said to have been reared, if not born. I had no patience with the old conservatism that confronted the tides of history by shouting “Stop!” I could not summon up any admiration for Herbert Hoover or Alf Landon, and I did not regard Franklin D. Roosevelt as the devil incarnate. My political instincts were always inclined to the proactive rather than the reactive, to work with reality, not against it.

To inject some academic substance into my thinking about public policy, I took a sabbatical from New York University in 1976–77 and spent a year at the American Enterprise Institute in Washington, studying economics primarily. It was there that I became disillusioned with conventional macroeconomics and sympathetic to what was called “supply-side” economics—an inelegant title for something I prefer to think of as the “economics of growth.” It led me to publish in The Public Interest an article by Jude Wanniski arguing the case for supply-side economics, illustrated for the first time by the “Laffer curve.” The world was not much impressed, but the Wall Street Journal was. Its editorial page now had as its editor a young
Robert Bartley, who had already published in the Journal an article about our magazine, entitled “Irving Kristol and Friends.” It was the Journal that went on to publicize supply-side economics, applying it to the issues of the day and creating something like a neoconservative economics. The crucial role of the Journal and of this new approach to economics can be seen even today by comparison with the European experience, where economic growth still suffers as the financial press remains captive to traditional “bankers’ economics.”

In foreign policy, The Public Interest continued to be mute. But I and many of our writers could express our views in Commentary (which, in turn, gave birth to the Committee for the Free World, headed by the then-retired politician Donald Rumsfeld). Commentary was the third of the publications that, along with the Journal and The Public Interest, constituted what the Russians call a troika, a team of three horses pulling a carriage. It is astonishing to think that the combined efforts of these three publications (two with very modest circulations) should have been so consequential—or so it would seem today, to judge by the extraordinary interest displayed throughout the world in neoconservatism.

The culture wars introduced yet another dimension in the neoconservative spectrum. In The Public Interest, those wars were fought mainly in the book review section. Here the journal found allies among liberals, in academia particularly, who were offended by the extravagances of the counter-cultural Left. The counter-culture, for its part, moved steadily toward an aggressive secularism and an animus against religion, foreshadowing an ominous tension between the secular and the religious in American politics. Here, too, The Public Interest found itself on firm ground. It had always had a benign interest in religion—a secular interest in religion, one might say, deriving from traditional political and moral philosophy, which has been appreciative of religion as a social as well as a spiritual force.

Yet The Public Interest, it should be said, transcended any political ideology, or even any political “disposition.” Inevitably, to be sure, my own political identity spilled over into the public perception of the magazine; there was no way I could erect what on Wall Street is known as a “Chinese wall” between my writings in other journals and
this perception. But for many of its contributors and readers, and, not least, for its co-editors—first Dan Bell and then Nat Glazer—*The Public Interest* continued to have a non-ideological cast, in part because it continued to be focused largely on social research and social problems, and because it did so in a serious scholarly fashion. For these reasons and, I believe, because of its intellectual quality, it has been well received in a dominantly liberal academia, as well as in the media and in government circles. It has even, I venture to suggest, had an influence in shaping and reshaping the prevailing modes of discourse in the social sciences.

The past 40 years, for its editors and contributors—as well as, I hope, for its readers—have been an exciting intellectual adventure. And there will be, no doubt, exciting times ahead for our successors as they cope with the extraordinary dilemmas posed by our new "brave new world." We can leave no better legacy for them than the spirit of good will and high spirits that has sustained us in that adventure.
WHEN Daniel Bell and Irving Kristol were discussing founding a new journal, *The Public Interest*, I was teaching at the University of California in Berkeley, after having worked for a year in the Kennedy administration in the Housing and Home Finance Agency. Very likely I would have been involved in these discussions had I been in New York: I had written for Dan Bell at the *New Leader* years before, when he was managing editor, and he had written for *Commentary* when I was on the staff. Irving had joined *Commentary* as an editor while I was an editor there, and I had written for him when he edited *Encounter* and the *Reporter*. Dan Bell told me about the new magazine on a visit to Berkeley.

I was in complete accord with the original vision of *The Public Interest*. If this was not quite yet the age of "the end of ideology," it should be, and there was much the social sciences could tell us to improve our social policies and the world in which we lived, and in crafting decent policies that served "the public interest." Daniel Patrick Moynihan had come to Berkeley to observe the astonishing student revolt of 1964 (as so many others did), and to participate in a major university conference on poverty—we were at the beginning of the "war against poverty." We may have talked about *The Public Interest*. My essay for this conference, "Paradoxes of American Poverty," appeared in the *PI's* first issue.

I do not refer to the student revolt and the war against poverty idly: They were to shape *The Public Interest* and
to make it very rapidly something rather different from what was intended. What astonishes me in glancing over those early issues was how soon the simple notion that science and research could guide us in domestic social policy became complicated, how rapidly this theme was reduced to a much smaller place than originally expected, how early the themes that were shortly to be dubbed “neo-conservative” emerged. Managing social problems was harder than we thought; people and society were more complicated than we thought. We could not assuage student disorder by reminding students that they were the most fortunate of generations in the most idyllic of places (which they, of course, already knew). The student revolt spread from Berkeley to Columbia, where Dan Bell taught, and to many other college campuses. It was a disorder that made no sense to those of us who had come from harder circumstances.

We began to realize that our successes in shaping a better and more harmonious society, if there were to be any, were more dependant on a fund of traditional orientations, “values,” or, if you will, “virtues,” than any social science or “social engineering” approach. Consider Dan Bell writing on “The Cultural Contradictions of Capitalism” as early as Fall 1970, in the *PI’s* special issue on “Capitalism Today”:

The deeper and more lasting crisis is the cultural one. Changes in moral temper and culture—the fusion of imagination and life-styles—are not amenable to “social engineering” or political control. They derive from the value and moral traditions of the society, and these cannot be “designed” by precept. The ultimate sources are the religious conceptions which undergird a society....

Irving was in complete agreement with this thesis. Capitalism, Irving wrote in this same issue, had promised three things: affluence, individual liberty, and

the promise that ... the individual could satisfy his instinct for self-perfection—for leading a virtuous life that satisfied his spirit (or, as one used to say, his soul)—and that the free exercise of such individual virtue would aggregate into a just society.... It was only when the third promise, of a virtuous life and a just society, was subverted by the dynamics of capitalism itself, as it strove to fulfill the other two—affluence and liberty—that the bourgeois order came, in the minds of the young especially, to posses a questionable legitimacy.
Both Irving and Dan were troubled by an erosion of authority. None of us would have believed when *The Public Interest* was founded that we would eventually come to think so highly of the authority of modern university officials, especially when under challenge by a newly radicalized youth.

When Irving wrote in Spring 1973 that

> for well over a hundred fifty years now, social critics have been warning us that bourgeois society was living off the accumulated moral capital of traditional religion and traditional moral philosophy, and that once this capital was depleted, bourgeois society would find its legitimacy ever more questionable,

I believe Dan Bell would have fully agreed—as I did. Of course, there were disagreements between them. The very next issue, Summer 1973, I succeeded Dan as co-editor. By that time, Dan was at Harvard, as was I, and the tension between that bluest of locations and the somewhat different intellectual atmosphere of New York and then Washington remained a permanent characteristic of the journal.

The concern over an economic order whose incentives meant that it steadily promoted hedonism, as Dan put it, and that was drawing upon an ethic and morality that was not being replaced—call it the Protestant ethic, or traditional religion and morality, or classic political philosophy—was a steady one, evident at the beginning, still evident at the end. We were all followers of Lionel Trilling, as he was of Matthew Arnold, brooding over “the melancholy, long, withdrawing roar” of the “Sea of Faith.”

The themes that led to the label of “neoconservatism” emerge remarkably early in the *PI*’s pages, though it should be pointed out that Dan never accepted the term and Pat Moynihan had to distance himself from it even before he decided to run for the Senate from New York. I was always indifferent to the label; only Irving fully embraced it. In any event, as early as Winter 1971, the issue of pornography—could it or should it be censored—is the subject of a lead-off symposium of articles. Leon Kass’s first article on the problems of science and medicine and their intrusion into age-old traditional expectations and practices appeared as early as Winter 1972. Welfare and its consequences formed the subject of scores of articles, as did the theme of the family, yes the tradi-
tional family, and its importance to society. In later decades, this morphs into perhaps too many articles on how social programs may inadvertently undermine the family.

All of us had voted for Lyndon Johnson in 1964, for Hubert Humphrey in 1968, and I would hazard that most of the original stalwarts of *The Public Interest*, editors and regular contributors, continued to vote for Democratic presidential candidates all the way to the present. Recall that the original definition of the neoconservatives was that they fully embraced the reforms of the New Deal, and indeed the major programs of Johnson's Great Society. Skepticism was only evoked by its more speculative and theoretical extensions into "social engineering", as in the community participation effort in the War on Poverty, or the movement from civil rights to affirmative action in jobs and college and university admissions (which, of course, dates more to the Nixon than the Johnson administration). Had we not defended the major social programs, from Social Security to Medicare, there would have been no need for the "neo" before "conservatism."

So how did *The Public Interest* drift into a steadily more conservative posture? I must reflect on this as the editor from Cambridge—referring to the academic connection as well as the liberal orientation. I flip through past issues of *The Public Interest* and am happy to see a few articles in defense of the more developed welfare states of Europe, which to my mind have created a better society than we have in the United States. I note Martin Rein and Hugh Heclo's 1973 article "What Welfare Crisis?—A Comparison Among the United States, Britain, and Sweden," and there are more such pieces through the 1980s and even 1990s. I am pleased to see a 1988 article in favor of the more extensive child-care policies in Europe by Sheila Kamerman and Alfred Kahn—"What Europe Does Better for Single-Parent Families." And I see an article arguing that "Welfare is Not the Problem" by David Ellwood (now dean of Harvard's Kennedy School of Government) and Lawrence H. Summers (now president of Harvard) in Spring 1986, but I also note that we countered it with an article arguing the other side in the very next issue by Charles Murray. In Fall 2000, we have James K. Galbraith arguing with Bruce Bartlett over a favorite Republican nostrum of the time, abolition of the inheritance tax, and several years
later, we featured a debate on the problem of “Low-Wage America.” But there was not enough of this.

In 1975, I argued in a lead article—“Reform Work, Not Welfare”—that we should introduce for American workers the full panoply of health care, vacation time, child benefits, parental leave, etc., that existed in Europe, and that we, paradoxically at the time (and today), provided only for families on welfare. We would see a considerable reduction in welfare, and a better society all around, if we did. I was proposing what I thought and still think was a fine program, and it could well have been pursued. But at The Public Interest, we were more adept at exploring the problems with such policies—of course, there are many—and the interesting reasons why America was different or “exceptional” (i.e., why there was no socialism and much less social democracy in the United States than in Europe) than in arguing the self-evident virtues of the European welfare states, with their universal health care, near abolition of poverty, provision of a decent and respectable life for most of the population. Liberal students of public policy did not disappear from the pages of The Public Interest. Many respected its commitment to reason, argument, facts, and research, even if so many articles were promoting a conservative agenda, and they continued to submit articles, some of which we published. But there can be no question where the main drift ran.

I see that as a failing on our part. I note as an indication of this failing that there were no special theme issues of the PI in the 1990s, except for “The American Congress” in Summer 1990. It was our special issues that helped us to reach out and shape the debate. In their absence, one was too dependent on what came in over the transom, and these submissions reflected the increasing energy of conservative think tanks and foundations. Many of these conservative ideas were indeed powerful. But, as they began to dominate the debate over policy, we should have done more to examine them critically. There was a new burst of editorial energy when Adam Wolfson took the helm in 2003, but not to counter the dominance of conservative ideas.

It has been a long run, and there is much more to say, but that will have to wait for other times and other writers. For now, having traced “neoconservatism” to
the earliest issues of *The Public Interest*, to a time before the term was invented, one must say something about what it has become. When Peter Steinfels wrote in 1978 *The Neoconservatives: The Men Who Are Changing America’s Politics*, he scarcely said a word about foreign policy. Neoconservatism then was a tendency of thought in domestic social policy. I note now an increasing number of books on neoconservatives and foreign policy, bearing titles such as *Imperial Dreams: Neoconservatism and the New Pax Americana*, and many other such treatments of neoconservatism are no doubt on the way. But foreign policy was no part of early neoconservatism: Had it been, there would have been additional bases of division among the early neoconservatives. How the term “neoconservatism” morphed from a political tendency that dealt almost entirely with domestic social policy to one that deals almost entirely—indeed, entirely—with foreign policy is an interesting question, which I will not explore further here. There is very little overlap between those who promoted the neoconservatism of the 1970s and those committed to its latter-day manifestation.

It was part of the genius of the original founders of *The Public Interest* to eschew the entire field of foreign affairs. (One could note other parts of the design, such as that the senior editors were not to be paid. That meant, among other things, that when the time came to end *The Public Interest*, one possible extraneous consideration would not delay it.) The end comes in good time. Public discussion at its best today may not be any better or more insightful or more informed than it was 40 years ago, and there does seem to be much more in the way of narrow partisanship. But there are many more journals today in which public issues can be discussed. New media, which were not dreamed of when *The Public Interest* was founded, now enormously expand that discussion, even though one is skeptical about the quality of most of it. In any case, with this range of publication possibilities, the views that made themselves present in *The Public Interest* will continue to be heard.
I ARRIVED at The Public Interest in the spring of 1994. Irving Kristol would soon, in an excess of modesty, declare neoconservatism a generational phenomenon, now absorbed into a larger conservative whole. Yet less than a decade later, I was fielding phone calls from curious reporters as far off as Argentina, Japan, and various European outposts who wanted to know what neoconservatism was. They would ask me to speak to its influence on the Bush administration’s foreign and social policies, and its relation to the Religious Right. Neoconservatism was apparently back.

Of course, the September 11 attacks and the war in Iraq were the proximate causes of this resurgent interest in neoconservatism. But it’s also the case that neoconservatism, especially as it came to be embodied in The Public Interest, has left a unique and lasting imprint on American intellectual life, and on American conservatism in particular. It will be the task of historians to assign The Public Interest its place and to assess its contribution. What I can offer at present, in this our fortieth anniversary year, and our last issue, are a few provisional reflections.

I would begin with what’s most obvious but perhaps also overlooked, the journal’s name. The founders of the PI believed in something called “the public interest.” If they were less than certain about what that public interest was, they were in agreement that it existed and could be at least partially apprehended and approached by reasonable, decent human beings. Their authority on this matter
was Walter Lippmann—hardly surprising, because the early generation of PI contributors were, generally speaking, liberals or social democrats of one sort or another. They eschewed an ideological approach to politics and public policy, were hesitant to raise questions of fundamental principle, and were of a skeptical frame of mind. Meliorism was their watchword. At the same time, they were upholders of the idea of "the public interest," called their magazine by that name, and affirmed, in an editorial statement in the PI's first issue, that a democratic society "has a greater need than any other to keep the idea of the public interest before it."

This belief in the public interest was by itself enough to distinguish what became known as neoconservatism from the more libertarian or business-oriented conservatism of that period, and it would soon contribute as well to the journal's move away from an increasingly value-neutral mode of liberal thought and politics.

That the PI would eventually become known as one of the leading neoconservative journals should alert us to something important about its character. The Public Interest was never simply a journal of the social scientific method. Of course, the PI is best known, and properly so, for the articles it published over the years by leading economists, sociologists, and other more empirically minded social scientists. But social scientists, as a class at least, are notoriously loath to raise larger questions of the public interest—that is, "value" questions about the general welfare or, to use an older vocabulary, the good society and the life well lived. This was not the case for many of the PI's writers, who saw such questions as intrinsic to their inquiries. As early as 1971, in an editorial note in these pages, Irving would observe that the most pressing questions facing American society were matters "of political philosophy, not of economics or sociology or public policy in the conventional sense of that term." And he insisted that "we must go behind the smaller questions in order to contemplate the larger answers they tacitly demand." Indeed, it would have been a strange thing for the writers and editors of a journal named The Public Interest to have thought otherwise.

If in 1965, the date of this journal's birth, liberals were still comfortable talking about matters relating to
the public interest, this would soon change. There is no need to rehearse this history here. It is all too well known. Suffice it to say that in the excesses of the cultural revolution of the sixties, liberals became increasingly hostile toward the notion of a larger public good and public responsibility. Some abandoned themselves to a reckless, antinomian search for personal meaning, while still others became the defenders of an increasingly narrow status quo—one that served not the public interest but the strident sectarian demands of various multicultural blocs.

HOWEVER, the public interest is too important a thing to be without defenders for long. Political ambition alone makes sure of that, not to mention human nature. Conservatives of an older sort were, it is fair to say, neglectful of the idea of the public interest. This was perhaps owing to an understandable reaction on their part against the dangerously sweeping claims of various brands of early twentieth-century socialist thought. Thus a prominent conservative once affirmed, as a matter of principle, "that anybody should be free to produce, sell, and buy anything that may be produced or sold at all." Many libertarians today still hold to this view, but such sentiments are not representative of modern conservatism as a whole. Today, it is conservatives who are most likely to think in terms of the public interest, as can be seen in their approach to biotechnological advances, America's entitlement programs and legal institutions, the family and civil society, or even foreign policy.

One should always be wary of making too much of a politician's rhetoric, especially nowadays when so much of it is about "spin" or spin control. But it is worth noting that fewer conservatives today speak as Ronald Reagan did just 20 years ago of government as the problem, not the solution. George W. Bush, whether in his foreign or domestic policies, whether in his approach to stem cell research or Social Security or the nation's defense, has been a governmental activist and reformer. He is a believer in something like the public interest.

This is not to say that President Bush is a neoconservative or that the Republican party is the party of neoconservatism or that The Public Interest somehow became a Republican party organ. Several of our publication committee members as well as other regular contributors
have remained, always, neoliberal democrats, and I can attest to the fact that not a few of our junior editors were as well. Neoconservatism is not a political ideology, but a broad and varied approach to political and social inquiry, one that encompasses economic, sociological, and more philosophic modes of thought and analysis. The political theorist was always welcome in our pages, despite our social science emphasis. What generally united this diverse group, and what gave the magazine its unique character, was, in the end, a shared belief in the public interest—that it was not a figment, that it was worth thinking about, and that it should factor into how we approach government policy and our common life. Or so it seems to this particular editor and observer.

So when I would receive telephone calls from reporters, I would try to explain at least some of this to them, with more or less success. To put it most simply, and thus somewhat crudely, we have seen a great change in our politics, as one party has abandoned the public interest and another party has taken it up—at least for the time being—as its central, animating ideal. One party has succeeded another as the “national party.” This shift took about 40 years, roughly matching the period from our first issue in 1965 to our final one in 2005. Of course, the PI never made anything like this one of its aims, but it still probably played some part in the transformation.

I’ll close on a more personal note. To be a part of The Public Interest, to have worked with such talented writers, and two such gifted editors as Irving Kristol and Nathan Glazer, has been a great privilege. The PI has always been housed in a single-room office, with the editors’ desks not more than a few feet away from each other, including Irving’s. Working in such close proximity has been a graduate education in itself for the junior staffers and a postgraduate one for the senior editors. It has certainly been for me an education in how to think about the public interest.
Spies and bureaucrats: getting intel right

THOMAS G. MAHNKEN

The American intelligence community has suffered two blows to its credibility in the past three and a half years. First, intelligence agencies failed to detect al Qaeda's terrorist plans for September 11, 2001. Then, estimates of Iraq's weapons of mass destruction programs proved to be wildly off the mark. These failures have damaged decision makers' trust in the intelligence community. Faulty intelligence on Iraq has also hurt American credibility abroad, making it more difficult for the Bush administration to speak with authority regarding North Korean and Iranian nuclear programs, at least before North Korea made its startling announcement about having the bomb. Such intelligence failures have justifiably prompted investigations of the performance of intelligence organizations and calls for reform. They have also exposed the Bush administration to both domestic and international criticism—in the case of September 11, for not acting on poor intelligence, and, in the case of Iraq, for acting on poor intelligence.
While the two failures differ in a number of respects, both are evidence of shortfalls in how our intelligence organizations collect and analyze information. The problem is less one of bureaucratic design than of institutional culture. Redressing these deficiencies, as opposed to the organizational reshuffling beloved by Washington politicians, must be a central thrust of any meaningful program of intelligence reform.

**A tale of two failures**

There is a joke told among military intelligence officers, often with some bitterness, that when things go wrong it is labeled an "intelligence failure," but when they go right it is called a "military success." The implication is that while intelligence plays an important role in the formulation of national security policy, its role comes to light only when there is a catastrophe. Rightly or wrongly, failures form the signposts of the history of intelligence, from Japan's surprise attack on Pearl Harbor, to the failure to predict—or even initially to detect—China's entry into the Korean War, to the overestimation (and subsequent underestimation) of the Soviet intercontinental ballistic missile force, to the inability to predict the collapse of the Soviet Union, to the failure to foresee India and Pakistan's 1998 nuclear tests.

Even against such a backdrop, the American intelligence community's recent track record hardly inspires confidence. It is true that intelligence agencies have achieved several victories, such as gathering the evidence that forced Muammar Qaddafi to come clean regarding Libya's weapons of mass destruction (WMD) programs and the information that allowed authorities to dismantle Pakistani scientist A.Q. Khan's nuclear smuggling ring. Doubtless they have had other successes that will only emerge from the shadows over coming decades. Still, these pale in comparison with the failure to warn of the September 11 terrorist attacks and the gross mischaracterization of Iraq's WMD programs.

While there is much we still do not know about the performance of the intelligence community in these cases,
there is much that we do know now. The release of the report of the joint congressional inquiry into the September 11 terrorist attacks and the 9/11 Commission Report provide extensive information on what American intelligence agencies did and did not know about al Qaeda. Similarly, the Senate Select Committee on Intelligence’s Report on the U.S. Intelligence Community’s Prewar Intelligence Assessments on Iraq, the Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq’s Weapons of Mass Destruction (the Duelfer Report), and the British government’s Review of Intelligence on Weapons of Mass Destruction, chaired by Lord Butler of Brockwell (the Butler Report), provide insight into American and British intelligence on Iraqi WMD. (Another group, the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, reported to the president at the end of March, 2005.) Together these studies make fascinating, if at times alarming, reading.

**Off the radar screen**

Of the two most recent intelligence embarrassments, the worst—the failure to warn of the September 11 attacks—was also the least surprising. The intelligence community’s inability to foresee suicide aircraft attacks on the World Trade Center and Pentagon represented a classic case of intelligence services failing to provide a useful warning for politicians and policy makers. Scholars have spilled gallons of ink and felled forests examining past surprise attacks, such as the Japanese raid on Pearl Harbor and the Egyptian strike on Israel at the beginning of the 1973 Yom Kippur War. But, in truth, it is impossible to eliminate the possibility of being surprised because of the difficulty of sifting accurate “signals” of an impending attack from the sea of inaccurate or irrelevant “noise.” As Roberta Wohlstetter concluded nearly four decades ago in her classic study, *Pearl Harbor: Warning and Decision*, the Japanese attack caught the United States unawares not because of the absence of indicators, but because of a plethora of contradictory and erroneous re-
ports. Averting surprise becomes even more difficult when the attacker chooses an unexpected method of attack, as the Japanese did when they used carrier-based aircraft to strike the Hawaiian naval base.

The same phenomena were at work prior to the September 11 terrorist attacks. It is worth emphasizing that al Qaeda was not a major concern of policy makers prior to the attacks. As the 9/11 Commission noted, the 1995 and 1997 National Intelligence Estimates (NIEs) on terrorism barely mentioned Osama bin Laden. The common wisdom prior to September 11 was that bin Laden was not a serious threat to the United States. Representative of this view was an April 1999 *New York Times* story, which appeared under the headline “U.S. Hard Put to Find Proof Bin Ladin Directed Attacks,” that cast doubt on the Saudi’s role in the 1998 bombings of the American embassies in Kenya and Tanzania. Seymour Hersh’s reporting in the *New Yorker* during the same period reflected similar skepticism.

There were very few “signals” suggesting an imminent al Qaeda strike in the United States in the months leading up to the attacks, and those that existed were imbedded in a sea of “noise.” For example, both the 9/11 Commission and the joint congressional inquiry into the attacks unearthed intercepts of communication between al Qaeda members discussing an upcoming operation in cryptic code phrases. However, the contents of these messages were ambiguous, indicating possible threats against almost any place where the United States had interests. Although analysts worried about the possibility of a major terrorist attack, they had no way to determine when, where, and how such an operation would occur. Former White House counterterrorism coordinator Richard Clarke testified before the 9/11 Commission that he saw “tens of thousands—probably hundreds of thousands” of reports on al Qaeda and other terrorist organizations. Only with hindsight is it possible to pluck the handful of “signals” out of the vast stream of reports that crossed the desks of intelligence analysts and policy makers during that period.

Al Qaeda’s use of aircraft as weapons posed an even more daunting analytical challenge. To the extent that analysts conceived of al Qaeda operations involving airliners,
it was in terms of either blowing them up or hijacking them to gain release of imprisoned terrorists. An item in the December 4, 1998, President’s Daily Brief (PDB) prepared for Bill Clinton discussed al Qaeda’s preparations to hijack an aircraft to gain the release of the terrorists who had been convicted of participating in the 1993 World Trade Center bombing. An August 6, 2001, PDB item, prepared at the request of George W. Bush, mentioned the same possibility but was more equivocal, stating that “we [the CIA] have not been able to corroborate some of the more sensational threat reporting, such as that from a [foreign] service in 1998 saying that Bin Ladin wanted to hijack a U.S. aircraft to gain the release of the ‘Blind Shaykh’ ‘Umar ‘Abd al-Rahman and other U.S. held extremists.” Other reports talked about the possibility that al Qaeda would pack an airliner with explosives and blow it up. These were, however, only two out of a multitude of scenarios that analysts considered.

The use of commercial aircraft to undertake a suicide operation was, of course, a plausible scenario. Ramzi Yousef, one of the 1993 World Trade Center conspirators, had at one time contemplated flying a plane into CIA headquarters. In addition, the North American Aerospace Defense Command used the possibility of a suicide aircraft attack for exercise purposes. However, the scenario was developed not as the result of any intelligence, but rather as a good way to test American and Canadian air defenses. Indeed, there was no intelligence—let alone current, credible information—linking al Qaeda, the hijacking of commercial aircraft, and threats to the World Trade Center and Pentagon.

There were, in short, few indicators of the upcoming attack. The use of commercial airliners to launch suicide attacks was—literally and figuratively—off the American intelligence community’s radar screen. And al Qaeda’s operational security denied the United States the ability to collect information even if it had been paying attention. To the extent that the intelligence community was concerned about terrorists’ use of aircraft, it was in a much different context. In other words, the failure to warn of
the September 11 attacks can be traced back to deeper problems with how the intelligence community collected and analyzed information.

There is always a very real tendency to believe that surprise attacks could have been averted. The 9/11 Commission's report, for example, includes a list of "missed opportunities" in the months leading up to the attack, including the failure to "connect the dots" regarding the identity and activities of several of the key September 11 plotters. The report also makes clear, however, that it is unlikely that these bits of scattered information could have been acted upon effectively enough to frustrate the attacks.

One of the most malignant outgrowths of a surprise attack is the rise of conspiracy theories, the belief that leaders knew of the impending attack and yet did nothing. It should therefore come as no surprise that such theories have emerged surrounding the September 11 attacks, both on the Internet, a medium tailor-made for spreading half-baked and ill-informed theories, as well as out of the fever swamps of anti-Americanism in the Middle East and on the European continent. Despite the excellent investigative work of the 9/11 Commission, such fantasies are unlikely to die out soon. After all, there are still those who fervently believe, all evidence to the contrary, that Franklin D. Roosevelt knew about the Pearl Harbor attack in advance.

**Two wrong estimates don’t make a right**

The failure to understand Saddam Hussein's WMD programs is both less consequential and less forgivable than the failure to foresee the September 11 attacks. It is less consequential because Iraq's purported possession of weapons of mass destruction was but one of several reasons for removing the Ba'athist regime. Saddam's crimes against his own people and his neighbors, as well as his support for anti-American terrorists, were widely known facts. (Whatever Saddam's relationship to bin Laden, which then-Director of Central Intelligence George Tenet characterized as consisting of "senior-level contacts between Iraq
and Al Qaeda," Iraq’s Ba‘athist regime gave safe haven to Abu Nidal, Abu Abbas, and one of the 1993 World Trade Center plotters, all terrorists with American blood on their hands.)

The failure was less forgivable because of the tremendously favorable circumstances under which the American intelligence community operated. The possibility of a war with Iraq did not surprise unsuspecting or complacent spooks as the threat of Islamic radicalism had; rather, Iraq’s activities were a focus of intelligence collection and analysis for over a decade. Moreover, the United States enjoyed a series of unprecedented opportunities to gather information on Iraq. The United Nations’ inspection regime was the most intrusive such arrangement since the Versailles Treaty forced Germany to open its doors to international monitors after World War I. Inspections allowed American and international experts to tour and photograph Iraqi facilities, examine equipment, exploit documents, and interview scientists and technicians. The United States and its allies also enjoyed uncontested access to the airspace over northern and southern Iraq. Seldom have intelligence organizations operated under such fortuitous conditions. Certainly, the United States lacked comparable access to the Soviet Union during the Cold War, and it currently lacks anything approaching it in North Korea and Iran. What was remarkable was not that Saddam Hussein’s government repeatedly attempted to “cheat and retreat,” but rather that for seven years international inspectors had (theoretically) free rein to poke and prod into Iraq’s weapons programs.

Despite such an auspicious situation, American intelligence on Iraq was wide of the mark. The most concise assessment of what American intelligence organizations thought they knew about Iraq’s weapons programs appears in the NIE entitled *Iraq’s Continuing Programs for Weapons of Mass Destruction*, which the National Intelligence Council prepared at the behest of Congress in the fall of 2002. The estimate concluded, among other things, that Iraq “is reconstituting its nuclear program,” “has chemical and biological weapons,” and that
all key aspects—research & development (R&D), production, and weaponization—of Iraq's offensive biological weapons (BW) program are active and that most elements are larger and more advanced than they were before the Gulf War.

The estimate also warned that Baghdad was developing an unmanned aerial vehicle "probably intended to deliver biological weapons." Britain's Joint Intelligence Committee came to similar conclusions.

Needless to say, such an assessment greatly overestimated Iraq's efforts. The Duelfer Report concludes that while Iraq retained its goal of fielding nuclear, biological, and chemical arms, its short-term capabilities were meager. The Iraq Survey Group that Charles Duelfer headed found that while Iraq's pre-1991 nuclear program was more mature than previously believed, Baghdad's ability to reconstitute that program decayed progressively throughout the 1990s. It also determined that Iraq unilaterally destroyed its chemical weapons stockpile in 1991 and abandoned its biological weapons program in late 1995. The Survey Group did, however, conclude that Iraq was developing both ballistic and cruise missiles with ranges that violated the 150-kilometer limit imposed by the United Nations.

**Doctoring the data?**

Just as surprise attacks breed conspiracy theories, analytical failures frequently lead to charges of politicization. A number of the Bush administration's critics have accused it of skewing or selectively using intelligence to support its policies. According to such a view, the administration dropped key caveats from intelligence estimates, making the intelligence seem to be much more impressive than it was. Key officials, including Vice President Dick Cheney, also allegedly bullied intelligence analysts who failed to hew to the party line.

The facts do not support such assertions. The Senate Select Committee on Intelligence "did not find any evidence that [Bush] administration officials attempted to coerce, influence, or pressure analysts to change their judgments related to Iraq's weapons of mass destruction capa-
bilities.” Similarly, Britain’s Lord Butler “found no evidence of [Joint Intelligence Committee] assessments and the judgments inside them being pulled in any particular direction to meet the policy concerns of senior officials on the JIC.”

Charges of politicization often mask profound differences in the objectives, style, and even personalities of intelligence analysts and statesmen or policy makers. Where analysts try to capture nuance and ambiguity, policy makers seek clear-cut answers to their questions. Where analysts try to restrict access to information to both preserve sources and magnify their own power, policy makers feel the need to use intelligence, even to the point of jeopardizing sources. Producers of intelligence complain of politicization and leaking, while consumers of intelligence see much intelligence as equivocal or irrelevant to the responsibilities of their office. This tension is a permanent feature of the relationship between the intelligence and political communities.

It is also worth remembering that virtually everyone who now criticizes the Bush administration over its handling of intelligence regarding Iraq also believed that Saddam Hussein possessed chemical and biological weapons. That was the view of the Clinton administration, foreign governments, and the U.N. inspectors themselves. The main disagreement was over how to respond to these programs, not whether they existed.

**Learning from history?**

What, then, explains the failure of the home-grown and foreign intelligence communities to understand the true extent of Iraq’s WMD programs? While it is too early to offer a conclusive answer, it is not too early to venture an educated guess. The roots of this failure lie in the 1991 Gulf War. Prior to the conflict, the American intelligence community had a poor understanding of Baghdad’s nuclear, biological, and chemical weapon programs. For example, by the eve of the war, intelligence agencies were able to identify a grand total of two nuclear facilities, when in fact Iraq had more than 20. Only postwar inspections by
the U.N. Special Commission on Iraq (UNSCOM) revealed that the Iraqi WMD effort was far larger and more advanced than American and allied analysts had suspected. As the introduction to the 2002 NIE on Iraqi weapons of mass destruction candidly admitted:

Revelations after the Gulf War starkly demonstrate the extensive efforts undertaken by Iraq to deny information. The revelations also underscore the extent to which limited information fostered underestimates by the Intelligence Community of Saddam's capabilities at the time.

Memories of past underestimations can lead to overestimation the next time around, and vice versa. Analysts, having been surprised by the scope and extent of Iraq's prewar nuclear, chemical, and biological programs, tended to inflate Baghdad's WMD efforts in the years that followed. Between 1991 and 1998, U.N. inspections uncovered many details of the Iraqi WMD program. This information gave analysts a template for evaluating Iraqi nuclear, biological, chemical, and missile activities. However, much of it was based upon what was even then dated information, reflecting not what Iraq was doing at the time but what it had done prior to the Gulf War. The fact that the Iraqi government had repeatedly lied about its pre-1991 weapons programs, had continued to deceive U.N. inspectors after the war, and had failed to cooperate fully with UNSCOM fostered the belief that the Iraqi government was continuing to lie about its WMD programs.

In many ways, intelligence estimates of Iraq's weapons of mass destruction in the 1990s were the mirror image of assessments of Soviet missile capabilities during the late 1950s, the period of the so-called "missile gap." In the years after the launch of Sputnik on August 4, 1957, American intelligence substantially overestimated the size of the Soviet intercontinental ballistic missile stockpile. The magnitude of this overestimate only became apparent after the launch of the first American reconnaissance satellite on August 18, 1960. Having finally realized that their estimates of Soviet missile strength had been too high, American analysts went on to underestimate consistently the scope and pace of the Soviet missile buildup in the years
that followed. The 1964 NIE on Soviet strategic forces, for example, argued that Russian aspirations might not extend beyond 400 to 500 intercontinental ballistic missiles, and certainly would not exceed 700. In fact, by 1970 the Soviet Union had deployed 1,158 such missiles.

Although the Iraqi government initially tried to stone-wall inspectors, a turning point came in 1995, when Saddam Hussein’s son-in-law, Hussein Kamel, defected, forcing the Ba’athist regime to admit that it had previously concealed the full extent of its nuclear program, as well as the existence of a biological weapons program. Even more alarmingly, Saddam’s government admitted that in August 1990 it had embarked upon a crash program to build a nuclear weapon within a year, an effort the 1991 Gulf War had interrupted. While the Iraqis claimed to have halted their WMD programs, destroyed their stockpiles, and dismantled production facilities, their track record of duplicity and continued failure to cooperate with U.N. inspectors led analysts to believe that Baghdad still had something to hide.

Cut by Occam’s Razor

On December 16, 1998, when the U.N. withdrew its inspectors from Iraq, the United States lost access to its most valuable source of information. Now it could only view its target from afar, using imagery satellites, eavesdropping, and the occasional spy. This provided scraps of information, which analysts—often subconsciously—fit into the template they had constructed over the previous seven years. Information that accorded with the template was retained, while that which did not was discarded. For example, Iraq’s attempts to import dual-use materials, such as aluminum tubes that could potentially be used either for nuclear centrifuges or artillery rockets, were judged to have nuclear applications. Human intelligence (HUMINT) collection was similarly based upon the presumption that Iraq possessed WMD. Sources who reported that Iraq possessed banned weapons were believed, while those who reported that Baghdad did not were thought to be either lying or uninformed.
The American spy network in Iraq itself was nonexistent. As the Senate Select Committee on Intelligence reported, the United States "had no sources collecting against weapons of mass destruction in Iraq after 1998." Instead, it relied heavily on defectors and information provided by foreign governments.

Imagery from satellites and aircraft could provide only limited clues to Iraqi activities. Analysts developed a set of, and then looked for, key "signatures" associated with nuclear, biological, and chemical weapon programs, such as the presence of security measures or certain types of specialized vehicles at suspect sites. However, the Iraqis understood the capabilities of American satellites and were well versed in denial and deception. Signals intelligence similarly was of limited utility in monitoring Iraqi WMD programs. Because members of the Iraqi leadership were convinced that the United States could hear anything they said over the radio or telephone, they enforced strict security on communications. For example, Saddam Hussein has told interrogators that he used a telephone only twice in his last 14 years in office for fear of being targeted for attack.

It is easy, of course, to overvalue the role of clandestine information in confirming or disproving Iraq's possession of WMD. In the end, the most persuasive evidence that Iraq had illicit weapons came not from secret sources but from facts that were available to all. First, Iraq had used chemical weapons against both Iran and Iraqi Kurds in the 1980s. Second, the Iraqi government—eventually and grudgingly—admitted both to possessing chemical and biological weapons and to developing nuclear weapons. Third, the Iraqi government repeatedly refused to disclose the full extent of its programs or to satisfy the United Nations that it had ended them. Such behavior was a marked contrast to that of regimes that had decided to renounce WMD, such as South Africa and (after the Iraq War) Libya. In these latter cases, governments threw open their doors, welcomed outside inspections, and made their facilities, documents, and scientists available without restriction. Iraq never displayed such a level of cooperation, even on the brink of war with the United States. Short of
such a visible political change, it would have been impossible to conclude definitively that Iraq had done away with its banned weapons. Occam’s Razor dictated that Iraq continued to conceal stockpiles of banned weapons.

Secret agent men

The most recent round of intelligence failures has, correctly, led to calls for reform. On December 17, 2004, President Bush signed into law the most sweeping reorganization of American intelligence since its inception. Prompted by the recommendations of the 9/11 Commission, the law creates a new National Intelligence Director (NID) to oversee the 15 agencies that currently constitute the American intelligence community. The NID will have full budgetary and supervisory authority over all American intelligence agencies as well as over the FBI’s counterterrorism operations. The Department of Defense, which currently controls more than 80 percent of the intelligence community in the form of the Defense Intelligence Agency, National Security Agency, National Geospatial Intelligence Agency, National Reconnaissance Office, and service intelligence organizations, will relinquish much of its authority.

Organizational reform is alluring because it can be done relatively quickly and promises rapid results. It is unclear, however, how centralizing the intelligence bureaucracy will fix the fundamental problems in collection and analysis that led to recent failures. Any attempt to improve the performance of intelligence must redress these shortfalls. Such measures as changing the organizational cultures of espionage and analysis, while less visible and hence less glamorous, are more important to the long-term effectiveness of intelligence than organizational change, and also harder to accomplish.

Gathering secrets is the irreducible core of the intelligence profession. Academics, think tank analysts, and defense contractors all can—and do—analyze threats to the United States. Only the intelligence agencies are charged with collecting secret information about foreign governments. Whatever else the intelligence community does, it
must excel at this core task. Recent experience, however, indicates that this has been a key failing.

The United States has long emphasized technical collection over espionage. Although rooted in an American culture that values technology, such reliance grew especially during the Cold War. Photographic and eavesdropping aircraft and, later, satellites gave the United States the ability to monitor developments within the Soviet Union, an extremely difficult society to penetrate. Moreover, technical collection, unlike espionage, offered the American leadership timely warning of a nuclear attack.

Certainly, high-tech approaches to intelligence are still useful, especially when dealing with “denied areas,” such as North Korea. But technical collection is poorly adapted to many of today’s other prominent threats. The worldwide explosion of communication and information technology and the diffusion of encryption algorithms make it increasingly difficult to monitor, let alone understand, enemy communications. Satellite imagery is limited by orbital mechanics. Moreover, many potential adversaries understand our space-based collection capabilities and have devised ways to circumvent them.

It is banal to observe that the United States doesn’t have enough spies. No intelligence organization ever has all that it needs, let alone wants. Still, it doesn’t take an expert to conclude that the United States is underperforming in this area, and has been for years. The multi-ethnic nature of American society and the presence of American corporations across the globe give the United States advantages that the intelligence community should—but often does not fully—exploit. The United States needs an ethnically diverse cadre of spies, one that uses the full range of opportunities to penetrate foreign societies.

However, the intelligence community must do more than recruit and deploy more and better spies. Of particular concern is what the Senate Select Committee on Intelligence termed the CIA’s “risk averse corporate culture.” In the case of Iraq, for example, the committee concluded that “the Intelligence Community appears to have decided that the difficulty and risks inherent in developing sources or inserting operations officers into Iraq outweighed the
potential benefits.” This is a far different, and more cautious, culture than that of, say, the military, where officers undertake risky, even deadly, missions as a matter of course.

In fact, if Bob Woodward’s account of CIA activities in *Plan of Attack* is to be believed, once the CIA finally decided to take action in the months leading up to the 2003 Iraq War, it was able to recruit an extensive network of agents in Iraq. It is reasonable to ask whether more vigorous efforts to recruit agents within Iraq—rather than relying on defectors and information from foreign intelligence services—would have yielded a better understanding of the true extent of Iraq’s WMD programs. Accepting more risk prior to the war might have saved lives and prevented embarrassment afterwards.

To be sure, the ranks of the CIA’s Clandestine Service, which conducts HUMINT operations, contain many bold and creative officers. However, for too long the CIA’s bureaucratic culture punished boldness. Caution is often appropriate in peacetime, when a botched recruitment can lead to diplomatic embarrassment. In time of war, by contrast, it can cost lives. Former CIA director George Tenet began setting the Clandestine Service on a wartime footing in 2001. But much more needs to be done in this regard. His successor, Porter Goss, must go out of his way to demonstrate that those who take risks will be rewarded, and that the CIA’s leadership will tolerate the inevitable fallout when things go wrong.

The Clandestine Service’s culture needs to change in other ways as well. Former CIA officers such as Reuel Marc Gerecht have decried the service’s promotion system, which rewards officers based upon the number of sources they recruit, rather than on the value of the information they provide. This has resulted in the recruitment of large numbers of sources of dubious value and reliability. Moreover, the CIA’s model of recruiting sources is open to question. Although the CIA trains its officers to recruit spies, in practice most if not all important sources have been “walk-ins.” Dealing with volunteers requires both different modes of operation and different skills than active recruitment.
James Bond is not enough

While there is clearly room to improve the Clandestine Service, secret agents are hardly a panacea. Terrorist organizations are small, often bound by clan or family ties, and are thus very difficult to penetrate. Much the same is true regarding the inner circle of totalitarian regimes. Moreover, the United States lacks diplomatic representation in some of the countries of greatest concern such as Iran and North Korea, severely limiting the ability of potential sources to walk in and volunteer their services. While we must seek improved HUMINT capabilities, we should also guard against unrealistic expectations.

HUMINT also has its weaknesses. Spying depends upon human beings who act out of a variety of motivations, ranging from the noble to the ignoble. At the heart of espionage lies the act of betrayal, and a person who is willing to betray others always deserves to be treated with suspicion. Sources often tell their handlers what they think they want to hear, particularly if monetary inducements are involved. In other cases, they can tell the truth but be misinformed. It appears, for example, that a number of Iraqi army commanders genuinely believed that Iraq possessed WMD and may have passed this information on to American and European intelligence organizations. While they knew that their own units did not possess chemical weapons, they were convinced that others did. They accurately relayed what they knew, but what they knew was wrong. The recent revelation that Albania, unbeknownst to American intelligence or even its own post-communist government, has possessed chemical weapons since the 1970s is a vivid illustration of the magnitude of the challenge.

Britain’s experience with espionage in Iraq should serve as a corrective to those with high expectations for human intelligence operations. Even though Britain possesses one of the world’s best espionage services, it nonetheless found it difficult to uncover the true nature of Iraq’s WMD programs. According to the Butler Report, in 2002, the British possessed five main sources of information on Iraq’s banned weapon programs. These sources together indi-
icated that Iraq was producing both chemical and biological weapons. While they did not have firsthand knowledge of these events, they conveyed the common wisdom of their circle of acquaintances. A subsequent investigation concluded that while one of the three main sources was considered reliable, the other two were questionable. The two additional sources were subsequently deemed reliable but, in retrospect, produced less alarming information about Iraq’s banned weapons.

Lies, damned lies, and intelligence

While the long-term success of the intelligence community will require that it collect more and better information, almost as important is its ability to analyze that information. Although intelligence analysts have much in common with their counterparts in business and academia (except that much of the information they use is secret), in practice they are often much less structured and systematic in the way they approach problems.

Sherman Kent, a Yale history professor who for 15 years led the CIA’s Office of National Estimates, saw intelligence analysis as a manifestation of the scientific method. Analysts generally approach a problem as if they are solving a puzzle: They take individual “pieces” of information and fit them into a “framework” until a “picture” appears. However—and here’s the real problem with the actual practice of intelligence analysis—these frameworks are frequently built on a latticework of often implicit assumptions and biases. Moreover, analysts tend to operate on mere intuition much more than they would like to admit. Indeed, Dennis M. Gormley of the University of Pittsburgh has likened the CIA analyst to the “Pinball Wizard,” the “deaf, dumb, and blind kid from The Who’s rock opera Tommy, who instinctively avoids distractions, plays by intuition, and always achieves success.” However, in the real world, intuition is a poor substitute for critical analytical thought.

As Rob Johnston of the Institute for Defense Analyses has recently observed, the methodology that most intelligence analysts employ fosters regurgitation and extrapolation...
tion over introspection and innovation. Analysts rarely come at an issue afresh. Rather, they generally begin by studying existing intelligence assessments of a particular issue, which biases them toward the community’s established position. The fact that these estimates were often written by their supervisors or mentors further predisposes them toward the “party line.” For example, the Senate Select Committee on Intelligence found that in several significant instances, the analysis contained in the 2002 NIE on Iraqi WMD suffered from what it termed “layering,” “whereby assessments built on previous judgments without carrying forward the uncertainties of the underlying judgments.” The long process of review and coordination pushes conformity over creativity and controversy.

The intelligence community’s bias toward current intelligence at the expense of long-term analysis also stands in the way of analytical rigor. Intelligence analysts spend more of their time writing and revising reports on new discrete “data points” than on analyzing long-term trends. The incentive structure of today’s intelligence organizations values the quantity of reports an analyst produces—particularly items that make their way to top leaders—over the quality of that analysis.

Intelligence organizations also do a poor job of measuring how good their analysts are. It is very easy for Wall Street traders, doctors, and lawyers to determine how well they perform: For traders, success is measured in dollars earned, for doctors in lives saved, and for lawyers in verdicts won. Except in well-publicized cases of failure, however, intelligence organizations rarely try to gauge the skill of their analysts at forecasting events.

The intelligence community could adopt several practices to improve the quality of its assessments. For example, intelligence organizations would do well to borrow a page from the American military’s book and begin using “after-action reports” to determine what went well, and what went poorly, in various analytical projects. Rather than conducting reviews only in the face of failure, such exercises should become routine. In fact, a program of retrospective analysis could play an important role in im-
proving assessment, both by uncovering biases and hidden assumptions and by determining which analysts really have the best understanding of their subject.

The intelligence community would also benefit from greater interaction with the outside world. While there are offices in the CIA that conduct “outreach” to the academic, scientific, and business communities, they are kept hermetically sealed off from the rest of the organization lest these outsiders infect the whole agency. The intelligence community’s hiring and promotion practices should seek to increase interaction with the larger pool of experts as well. Long-service civil servants dominate middle and upper management in the intelligence agencies; there are relatively few opportunities for outside experts to join intelligence organizations compared with other national security organizations. The result is a greater opportunity for assumptions and biases to go unchallenged. Particularly in wartime, the intelligence community can and should do more to bring fresh talent into the intelligence bureaucracy, and not just into the junior ranks.

Another way to improve intelligence analysis would be for the intelligence community to adopt a different methodology for examining certain analytical problems, one based upon systematically generating and testing alternative hypotheses rather than laying out the evidence on a particular topic. Instead of tasking analysts with determining the extent of Iraq’s WMD programs, for example, the Director of Central Intelligence might have formed two teams: one to prove the hypothesis that Iraq had weapons of mass destruction and another that it did not. Each team would have been charged with making the strongest case it could with the available data. Although the new intelligence reform legislation calls for the intelligence community to conduct analysis of alternatives as part of its work, it remains to be seen how vigorously it will be implemented.

Unfortunately, a hypothesis-testing approach is likely to prove unpopular within the intelligence community, for several reasons. First, competitive analysis is, well, competitive, resulting in winners and losers and potentially
hurting analysts’ careers. Second, hypothesis testing is often viewed in the intelligence community as an attempt by political leaders to manipulate intelligence. An effort to “prove” that Iraq possessed banned weapons would have been denounced by critics of the administration as an attempt to develop intelligence to match a supposedly preconceived political agenda. As it was, intelligence analysts were among the most vociferous critics of Secretary of Defense Donald Rumsfeld’s efforts to examine the hypothesis of a link between al Qaeda and Iraq after the September 11 attacks.

Finally, if the September 11 and Iraq failures can teach us anything, it is that we need to lower our expectations of what intelligence analysis can and cannot do. Intelligence organizations are not purveyors of “the truth”; rather, they are custodians of secret information. While secret information can be important, at times even decisive, it is not “the truth,” and should not be mistaken for it. The quality of intelligence analysis can only be as good as the information upon which it is based. However, even the best intelligence organization is likely to lack information on some of the more important threats to the United States. Information on terrorist groups and their operations, and on weapons of mass destruction programs, is very likely to be nonexistent or misleading. Thus political leaders will always have to make what amount to “judgment calls.”

The culture of reform

The incoming Director of Central Intelligence, Porter Goss, has shaken up the CIA, firing or replacing much of the agency’s senior leadership. CIA insiders and their retired supporters have mobilized in response, feeding sympathetic members of the press unflattering leaks about Goss and his staff.

Change in personnel is a necessary start to real reform, but it must be matched by more fundamental cultural reform. For example, Goss needs to shore up the professionalism of the CIA. Although the vast majority of those in the intelligence community are dedicated civil servants, a small minority have put politics or egotism ahead of
professionalism. Permitting Michael Scheuer, a serving CIA officer, to publish a book sharply critical of American policy and then give press interviews anonymously was an act either of stupidity or of malice. This type of incident ruptures the bond of trust between the civil service and the political leadership.

Reforming intelligence is an imperative, not an option. The United States cannot afford to sail on blindly in a period in which it faces many and varied threats. The need for reform must, however, be balanced against the risk of change. Reformers must be careful that in solving problems they do not create new ones. American intelligence organizations are desperately in need of an injection of new blood and new ideas. Reforming the bureaucracy will, however, take time and require leadership to sustain it in the face of inevitable resistance. Such deeper cultural changes are less alluring than the prospect of a quick fix through organizational reform. But only by improving how intelligence agencies collect and analyze information will America be made safer.
Character and culture

JAMES Q. WILSON

In The Public Interest's twentieth anniversary issue, an essay appeared suggesting that Americans were increasingly concerned about the question of character. After many years of worrying about economic cycles, industrial management, and the negative income tax, we were beginning to be troubled by problems that seemed to arise out of a failure of character: poor school achievement, rising welfare rolls, a tolerance for deficits, and predatory crime.

I think it is time to take account of what has happened about these matters in the last 20 years. Since I wrote that article, I take some personal responsibility for reckoning up the score. We have done pretty well in some areas, not so well in others, and the verdict is not yet in regarding the remainder. Welfare rolls are down dramatically, and many private and public schools that take testing and achievement seriously have improved student performance. Much more can be done with respect to schooling, but the
political problems that bar more progress have not begun
to yield. Many rank-and-file Democrats, such as black
Americans, benefit greatly from vouchers and are often
the first to sign up for them, but Democratic leaders op-
pose vouchers. By contrast, though many Republican leaders
favor vouchers, most rank-and-file Republicans have voted
against them when the issue has been put on the ballot in
their states.

Fiscal deficits are about as bad as ever, but now it is
the Democrats rather than the Republicans who complain
the most about this issue. The central problem is that
there are only two ways of reducing deficits, and each is
favored by a different party. We can cut them by either
reducing spending or raising revenue. Usually the Repub-
licans have said that we should cut spending and Demo-
crats that we should tax more, but now matters are more
complicated. Republicans, especially Ronald Reagan and
George W. Bush, have either increased government spend-
ing or at best left it untouched, preferring instead to in-
crease revenue by stimulating economic growth by means
of lower taxes and less regulation. In the late 1980s, this
strategy worked; today, it may work, but no one really
knows. The Democrats have changed the least on this
matter, favoring either raising taxes (always on “the rich,”
as if there are enough truly rich people to fund most of
the federal government) or cutting spending on things they
do not like, such as the war on terror and the reconstruc-
tion in Iraq.

Crime rates are down sharply, a decline that began in
the early 1980s and is continuing today. Whether mea-
sured by victim surveys taken by the Census Bureau or by
police data gathered by the FBI, the rates of most serious
crimes, and especially of homicide, are significantly lower
than they were in 1981. Our gain has not been matched
by many other industrial democracies. When measured by
police data, the burglary rate rose for the last two decades
in Australia, the Netherlands, and Switzerland, and rose
for most of that time in England before it began to fall in
the early 1990s. Sweden has about the same burglary rate
today that it had 20 years ago. When measured by victim
surveys, the burglary rate followed pretty much the same
pattern, though the increase in Australia and the Netherlands was a bit less. Apparently, we did something right by comparison to other countries.

The smallest “platoon”

In 1985, I wrote that the problems of welfare use, crime rates, and school achievement reflected a defect of character. One might well have concluded from this argument that the gains we have witnessed in these areas must have resulted from Americans somehow becoming better; and if deficit financing continues it must be that we still lack the character to control our spending habits.

But the government has not waged a character-improvement program. There is no Secretary of Character, and Congress rarely funds programs that are explicitly aimed at teaching us to moderate our desires, control our impulses, or care about the future consequences of present actions. As I said in 1985, while the ancients, such as Aristotle, thought that government existed to enhance our character, the American regime was designed not to build up our moral fiber or soften our temperament but to moderate political conflict and respect human rights.

But I also suggested that we should not suppose that there is a large difference between teaching and inducing good behavior. The gap between what philosophers and economists each believe is not, in the long run, much of a gap at all. In the short run, we may do the right thing in order to receive a reward. But if we respond in this way routinely, we internalize a disposition to act in the right way such that the disposition, which is to say our character, comes to control our actions. As Aristotle put it, “We become just by the practice of just actions, self-controlled by exercising self-control.”

The best evidence for the congruence of rewards and character comes from our most familiar experience: raising a family. We shape the personality of our children by praising them for good behavior and scolding them for bad behavior, and we do so promptly and moderately. Of course, children have an innate nature, and they learn as much from other children as from their parents. But the
parental role is not trivial. The great majority of children turn out to be perfectly decent adults, even allowing for the reckless excesses of adolescence.

**Crime and punishment**

There is no way for a free government to do what families do. The government cannot instruct young people to get married before they have children or teach them that joining gangs is a mistake. Indeed, our criminal justice system has the clumsiest possible approach to maintaining order. After a child behaves wrongly, his parents will immediately tell him to stop doing that or put him in “time out” for a few minutes. After an adult behaves wrongly, the criminal justice system will tell him that in a year or two he may face a fifty-fifty chance of paying a fine or going to jail.

Despite our maladroit criminal justice system, it (along with other factors that we only imperfectly understand) has lowered the American crime rate. When a group of scholars compared the burglary and robbery rates across several democratic nations, one of their central findings was that from the early 1980s to the present the United States increased the number of convictions for every one thousand offenders while the conviction rate declined in Australia (for burglary but not robbery), Scotland, Switzerland, Sweden, the Netherlands and, before a late uptick in the mid 1990s, in England and Wales. Moreover, the proportion of burglars and robbers sent to prison after conviction was higher in this country than elsewhere, though England, again in the mid 1990s, sharply increased the use of prison. And in this country, the time served in prison was longer for burglars and robbers than it was for almost any of these other nations.

No doubt there may have been many other factors that influenced our crime rate, though it is hard to know what it is about this country that drove the rates down while they rose elsewhere. Some may argue that economic growth, stronger here than in Europe, helped lower the crime rate, but there is very little evidence that the unemployment rate affects the crime rate. And one analysis has con-
cluded that at least one fourth of America’s crime decline can be attributed to prison.

We do not know whether the more frequent use of prison has changed people’s characters or, instead, merely taken them off the street or deterred them from crime without altering their interest in it. I believe that incapacitation and deterrence have made all of the difference, and that only a few timid souls have had their character changed by official penalties. But I may be wrong.

There have been very few studies of how offenders react over the long run to the prospects of punishment. One of the most important has followed hundreds of Boston boys who were first studied by Sheldon and Eleanor Glueck, criminologists at the Harvard Law School in the 1940s. John H. Laub and Robert J. Sampson, sociologists at the University of Maryland and Harvard respectively, have studied about 11 percent of those; over half had already died and another third could not be found or refused to be interviewed. The authors’ account traces these men for about 70 years. What they learned should surprise nobody: The men who abandoned crime apparently did so because they had served honorably in the military, got married, and held a job. Those who persisted in crime tended to have no military record, be unmarried, and have no job. Though persistent offenders spent more years in prison than did those who desisted from crime, it is not clear what affect prison had on their lives. Nor is it clear whether American culture has become tougher about crime, leading parents, friends, and neighbors to be more willing than they once were to be intolerant of criminal behavior.

The view from abroad

People in England, France, and Germany are also fed up with crime, but they have fewer ways of making their feelings known. For one thing, it is hard for cultural forces to work when they are subverted by government policy. How can one persuade young people that crime is bad when the government rarely punishes criminals?

And another thing: In this country, the officials who are most involved in crime control are elected by the
people, while in most parliamentary regimes they are appointed by the central government. In the United States, mayors, governors, and district attorneys are all elected; in England and France, they are appointed. In theory, there is no reason why an appointive authority should not respond to crime by getting tougher. But we know enough about democratic politics to understand that appointed officials will often not get tough. Their distance from the people insulates them from popular pressures. Public demands can be ignored when the whole government is elected only once every several years, and then on a schedule that the ruling party picks in order to give itself the maximum advantage. It is much harder to ignore public opinion when there is an election almost every year involving, over a few years, more than half a million officials.

National governments will sometimes get the message. England, under Prime Minister Tony Blair, modified its criminal justice policy in the late 1990s in order to cut crime, and what the government did worked. But the government undertook these reforms at its leisure. When Margaret Thatcher, a conservative, was in office, almost nothing was done to curtail crime; when Tony Blair, a liberal, was in office, he decided the government should become tougher. In the interval, tens of thousands of people lost their property to criminals.

Moreover, many European elites, like their American counterparts, tend to favor the "therapeutic state." They search for the root causes of crime and experiment with ways to rehabilitate offenders. Crime does have root causes, and on occasion, to a small degree and for some people, a few rehabilitation programs bring real results. But advocates of the therapeutic state have made the mistake of thinking that a large free society can engage in the kind of character-building that was urged upon small Greek city-states by Aristotle, Plato, and others. A large state can change character, but only to a small degree and by means that are profoundly undemocratic.

Certain Muslim leaders think that the economic and scientific successes of the West were purchased at too high a price in human character. They argue for the strict imposition of Muslim law, and what they did in Afghani-
stan and are still doing in Iran and Saudi Arabia shows how far some Islamic entities will go in trying to shape the character of their citizens. It is a mistake the West has thankfully avoided.

**Welfare reform and the family**

In the United States, we have cut the welfare rolls by telling women that they have to look for jobs before they can get government assistance and by limiting the number of years when they can receive these payments. This new policy has been more successful in some states than in others, but all states have seen improvements. Between 1994 and 2001, the reduction in welfare case loads for the country as a whole was over 60 percent. No state failed to reduce the case loads by less than one third, and some states reduced them by over 90 percent.

This gain was not achieved by inducing women to get married before they had babies. Even in Wisconsin, where the case loads were cut by well over 90 percent, there was no improvement in the illegitimacy rate. It is not hard to understand why. With careful political leadership, one can instruct employees in a welfare office to insist that applicants look for work before they get welfare. That effort will be supported by widely shared public values, be immediately noticed, and produce financial savings for the state. But suppose you want the welfare case workers to urge the importance of marriage upon their charges. That effort will not be supported by all Americans (many think that women do not need to be married before having children), will not have any immediate effect (out-of-wedlock children may already have been born, and the next child may not be born for many years), and will produce no obvious financial savings for the state. No one should be surprised that welfare offices push jobs rather than marriage.

And yet the reduction in welfare case loads may in time make marriage more fashionable. There are some small signs that American culture is regaining a grip on itself. The sharp increase in the percentage of children living with a single parent that began around 1960 has
leveled off and was about the same in 2003 as it had been in 1990. The abortion rate among women under the age of 20 has fallen since 1985, and is about the same today as it was when Roe v. Wade made it legal in 1973.

The rate at which children are born to teenage mothers has declined since 1991, the year at which it hit its peak. In 2000, teenage pregnancy rates for girls ages 15 to 19 were about one-fourth lower than they had been in 1991. Some of this reduction may well result from increased use of contraceptive devices rather than from sexual abstinence. In 2002, the use of condoms had increased by over one third since 1988.

Although there has been a decline in teenage birth rates and an increase in the use of contraceptives, the leveling off in the proportion of children living in single-parent families is at best a modest gain. It may be the result of either a revived culture or the exhaustion of further victims. The cultural explanation would be this: Women don't want to become unwed mothers. The other argument is this: Perhaps there are no more people at risk, and so the rates of children living in single-parent homes has reached its natural apogee. We cannot choose between these two explanations with any precision, but there are some small signs that a cultural change has occurred.

Bill Cosby, the legendary entertainer, made headlines when, in June 2004, he called on black parents to take charge of their children and for black men to take more responsibility for their families. A survey done in 2001 jointly by CBS News and Black Entertainment Television found 92 percent of black respondents agreeing that absent fathers are a major problem. Many rap and hip-hop musicians, to a degree not appreciated by most of us, sing lyrics that call attention to fatherless families and child abandonment, albeit in words that offend practically everyone. It must be one of the supreme ironies of the modern age that the most vulgar, foul-mouthed musicians sing words that call attention to our gravest social problem.

Our views of marriage may be changing, but it is far too soon to tell whether this is a minor or a lasting change. So far I am not optimistic. Young people are using contraceptives more than previously, but the reduction in out-
of-wedlock births and children raised by just one parent has been very small. In 1985, an opinion poll found that about half of all Americans think there is no reason why a single woman should not have a child, a fact that undercuts the popular antipathy to welfare. If single parents may have children but if they then must work instead of getting welfare, we may have created a world in which children, already being raised without a father, are now being raised without a mother.

Schools of virtue

For some time we have tried to improve character by making our schools better. Some public schools are, indeed, very good and have become better. Still, it is hard to find reasonably affluent persons in Washington, D.C., for example, who do not send their children to private schools, and in New York City the struggle to get one’s child into an Ivy League school seems to start with an effort to enter the right (private) day-care center.

The fact that affluent people can make choices but poor people cannot has given rise to voucher programs whereby needy people receive public or private money that they can use to pay part or all of the tuition in private schools. Despite the media claims that voucher programs are rare and untested, they can be found in Maine and Vermont (where they have existed for a century) and in Milwaukee and parts of Arizona, Florida, Ohio, and Pennsylvania. Privately funded voucher programs exist in New York City, Washington, D.C., and several other places. And as Harvard’s Paul Peterson, Jay P. Greene of the Manhattan Institute, and others have pointed out in many articles and books, including in these pages, the best evidence indicates that these programs help students.

Because many more pupils apply for admission to a voucher program than there are funds to support them, only some children are accepted. This creates the chance for scholars to use the research gold standard: that is, to compare a group of students randomly selected to enter a voucher program with another group, also randomly selected, who do not enter it.
There have been, according to Greene, eight such random assignment tests of vouchers, and in seven there have been statistically significant gains to the pupils who enrolled in them. These gains sometimes benefit black children more than white ones and may improve either math or reading scores (or sometimes both). The voucher programs are extremely popular with the children's parents even when (as is usually the case) the parents have to put up some of the tuition money out of their own pockets.

Nobody should have been surprised by these results. We have known for years that private schools produce much better achievement scores and much lower levels of misconduct than do public schools. And this is not because private schools accept only the cream of the crop, expel any troublemakers, or charge high tuition fees. The most common private schools in America are run by the Catholic Church; they produce about half of all private-school graduates. As Greene has pointed out, they take the overwhelming majority of applicants (over 88 percent, many of whom are not Catholic), expel very few students, and charge less per pupil than do public schools. In short, the typical private school is not lush and well-endowed Andover or Exeter, but a poor school named after a saint.

These schools do better because they care about education, enforce a high level of discipline, and teach students who have voluntarily enrolled. In short, their success depends in no small part on building character. James S. Coleman explained all of this decades ago, and more recent research confirms his view.

What we still don't know

Although we have made a lot of progress with crime and welfare and some with education, and though it is possible that these gains may influence the culture that helps shape our character, it would be rash to suppose that our culture has changed in any profound way. The most important character-shaping institution is the family, and it is still in deep trouble—not only here, but throughout the West. A glance at what we know about Europe shows how widespread the problem is. Only in Italy and
Spain are male-female unions that begin with unmarried cohabitation less than 20 percent; elsewhere in Europe and in the United States as well they are three or four times as high (in Sweden they are over 90 percent). Only in Greece are the proportion of births that are out of wedlock less than 10 percent; in most countries, it is well over 20 percent, and well over 50 percent in Sweden. Only in Greece and Italy is the percentage of children living with cohabiting, instead of married, parents less than 5 percent; in other European nations it is 40 percent or more.

We do not know the answer to one central problem raised by these facts. Where cohabitation and out-of-wedlock births are common (generally, in the United States and northern Europe), is the child being raised by two caring parents who only happen not to be married? We know the answer in this country: In America, cohabiting and unmarried mothers do a worse job of raising children than do married ones, even after controlling for income. But abroad matters may be different. It would be nice to know more about the children of unmarried Swedish mothers, but as far as I know there has been no good study of the matter.

Daniel Patrick Moynihan raised this question in many of the articles he wrote for The Public Interest. In the spring of 1972, he described the plight of American families and observed that efforts to improve them by mounting social-service programs were akin to “feeding the horse to nourish the sparrow.” He had first suggested this problem in what became known as the famous “Moynihan Report,” where he noted that in 1960 one out of every five black children lived with an unmarried mother. He was reviled for “blaming the victim.” In 1985, he gave the Godkin Lecture at Harvard and repeated the argument, and he was hailed as a prophet. What had changed? Many things, but one of them was that by then one out of every five white children were being raised by an unwed mother.

Pat was correct to describe the family as the core social institution and to highlight its weaknesses. If northern Europe tells us our future, we are on the wrong track.
(Or maybe it is just economic growth: Ireland, that happy Catholic country, responded to its sudden and splendid economic growth by pushing the proportion of its children born out of wedlock up to one third of the total.) Pat never found a solution for this problem, and neither have I. Some of his critics complained that he had not laid out a government program to deal with the problem, to which he responded that “if you expect a government program to change families, you know more about the government than I do.”

Today, Washington is willing to spend large sums of money to see if we can find ways of restoring the centrality of the family using not just government programs but efforts run by churches and voluntary associations. This is a worthwhile endeavor, but it must be based on one central fact: Since we do not yet know what works, we have to invest heavily in finding out what does.
Public art for the public

RONALD LEE FLEMING

WITH MELISSA TAPPER GOLDMAN

There used to be two federal programs dedicated to funding public art. Now there is one. This isn’t an accident—a bureaucratic trick of fate or yet another example of congressional budgetary perfidy. It is easy to imagine circumstances in which we would still have both, or in which both would have vanished. In fact, for a long time both programs were on the same road to self-destruction: funding projects that many members of the general public found incomprehensible at best and offensive at worst. The story of how one program adapted while the other disappeared is instructive for anyone concerned with how government can and should support artists.

The key to understanding the divergence between the two programs lies in a concept that seems so intuitive once stated that it is almost surprising that it encounters so much resistance in the art world—the distinction between “public art” and “gallery art.” People will tolerate,
and perhaps even embrace, artworks in a gallery setting that would irk them if displayed in a public space. Unlike gallery art, public art must not be mindful merely of artistic concerns, but must also be attentive to the contextual aspect of its siting—it is created not to stand on its own, but to augment a larger public space. It is as much a question of public utility, associational significance, and expectations as it is a matter of the quality of particular pieces of art: Works that may gain critical renown in a gallery or sculpture park might be ridiculed in public.

The National Endowment for the Arts' Art in Public Places Program (APP) collapsed because it remained stubbornly out of touch with this reality. The General Services Administration's Art in Architecture Program (AiA), on the other hand, has thrived under a new model that recognizes the difference between gallery art and public art, and that takes account of the sensibilities of the people who will have to see the artwork every day. The GSA and NEA learned this lesson the hard way, through trial and error. But the two programs responded to their hurdles in very different ways. The GSA drew on the evolving wisdom of the field of public art, opening itself to local community input at its building sites and to the development of art forms that lend themselves to increased integration of artistic and architectural elements. However, the NEA's APP, assaulted by the twin knives of congressional budget cuts and public scrutiny, did not learn from its mistakes and was not robust enough to survive challenges to its institutional core of curators, artists, and museum directors.

"Our tax money paid for that?"

Public art, unlike gallery art, must be made for the public—the public is, of necessity, its audience. One can choose not to go to a gallery, but there are only a finite number of doors to a courthouse, and citizens are affected when art is commissioned for a plaza in front of the primary entrance—they will have to look at it whether it offends them or not. And they arguably have a right to
critique anything that impedes their progress across that space or that annoys them on their way.

This discussion is difficult to approach, even by arts professionals, because it is easy to interpret it as outright criticism of artists' work, even when that is not the intent. The curatorial class tends to view as troglodytes those who express negative judgments about art. Sometimes this attitude insulates artists from attacks that are merely ignorant. But it also does a disservice, insulating art from productive discussion and further marginalizing artists by cutting off any dialogue with the lay public. All citizens, including artists, have a right to free speech, but nobody deserves a free ride to use taxpayer money without any discussion. Ideological debates on artistic standards by partisan legislators may be biased and shortsighted. But even naïve criticism can carry a measure of truth. If a senator misunderstands a sculpture in a plaza, how is the average passerby supposed to make sense of it? And why should there be a great disconnect between the viewing public and an artist working in a public space?

Recognizing the public versus gallery divide does not necessarily amount to censorship of unappealing projects, but simply a more realistic assessment of a public art program's accountability. This attitude challenges the politically correct notion of art as a sacrosanct endeavor. But at the same time, one must recognize that public art is a special kind of art. Failure to appreciate this difference has often led the public to shine a negative spotlight on particularly offensive or ridiculous pieces of public art. One need look no further than the investigative reporting on local television news to see the populist discontent with gallery-type art in public spaces. This leads to the ever-loomning question, "Is that where my tax money is going?" The end result of a public art failure can be quite serious. A public outcry comes to serve as a preemptive strike on the inclination of a community to commission public art. Unfortunately, this legacy often lasts long into the future.

A classic example comes courtesy of the pre-reform GSA program, in New Bedford, Massachusetts. In 1978,
James Surls’s *Sea Flower* installation was placed outside the new Hastings Keith Federal Building. The citizens were already put off by the aggressive architecture of the building itself, placed as it was at a diagonal to the city grid, interrupting the streetscape. Then the large-scale *Sea Flower* sculpture reared its pointy head in the plaza. The sculptor intended the anemone sculpture to be a riff on the sea theme of the New England fishing community. But residents were merely miffed and mystified by the hunk of wood and metal. As New Bedford’s Marketing Director Arthur Motta put it in an interview:

> Picture telephone poles cut up into pieces eight feet in length and then rounded at one end and inserted in a spinal column that receives them like tubular steel. These things jutted out at all angles. The steel was rusted and then bled across the sidewalk over the course of years. Every now and then you’d have a report in the paper of a little old lady who banged her head on one of the projectiles and hurt herself.

Motta goes on to suggest that one shouldn’t think of New Bedford as an art-intolerant place—it is a small city with many cultural landmarks and a rich history of monumental sculpture and art.
But at the time of *Sea Flower*'s installation a local newspaper survey found that 86 percent of respondents disliked the work. A berm was added later to help the blind and elderly avoid hurting themselves on the piece. In 1986, the mayor and city council endorsed a request to have GSA remove it. *Sea Flower* stayed firmly planted. In 1999, the artist agreed to having the piece moved to make room for a Korean War veterans memorial, but nothing came of that effort, either. The GSA restored the dilapidated sculpture in 2001.

Looking back, it is hard to sort out precisely what aspect of the work provoked the negative response. It could simply have been that most people thought it was ugly. Perhaps it was situated poorly in its environment. Or perhaps it was because the commissioning process had been so far removed from the citizens of New Bedford who would have to look at it day in, day out. Regardless, whether it was the appearance, the placement, or the fact that the federal government had imposed its aesthetic notions on the landscape, the GSA certainly left a mark with the people of New Bedford.

**Looking past the Eiffel Tower**

In a way, the *Sea Flower* debacle was decades in the making, with roots tracing back to the start of the modern era of government art support. Since 1963, the GSA has allocated at least one half of 1 percent of the construction budgets for new federal buildings and major renovations for public art. From the beginning, panels of curators managed federal patronage of art. The curators’ training and formal concerns usually favored abstraction, and often did not encourage works that would add identifiable meaning to their sites. The curators’ tastes in art reflected the fashion of the time, with a predilection for what was perceived as *avant garde*.

Because of this initial bias, the history of the federal government’s involvement with public art is marked by conflict. Government programs increasingly pitted curatorial preference—often gallery art imposed on a public setting—against a public wanting discernible meaning and
relevance, increasingly skeptical of banal spaces and sculptural abstraction.

*Sea Flower* is typical of the GSA projects of the time. Arts commissioners, without local input, brought a well-recognized but non-local artist to do a decontextualized piece (often ugly) somewhere very public, with no explanatory materials or educational programming. This work, in turn, could not be removed without extreme controversy and hassle, no matter whether it turned out to be great or terrible. Part of the inertia that kept *Sea Flower* from washing away despite its unpopularity was the result of a wait-and-see mentality on the part of public arts administrators who controlled the purse strings. The theory was that cutting-edge art would be culturally uplifting and would put communities in line with cosmopolitan art trends. If one only waited for the initial outrage over public money being spent on something ugly and unapproachable to die down, lasting appreciation would follow. You could call it the Eiffel Tower Principle, after a piece of architecture that was much-derided in its day but eventually attained icon status. The only problem was that, unlike the Eiffel Tower’s eventual popularity, public acceptance sometimes never came.

This divide between the cosmopolitan (and faintly elitist) gallery world and the public sphere came to a head in the mid 1990s, when a fed-up Congress started asking pointed questions about where the tax money was going, who was creating public art policy, and to whom these people were accountable.

**Art meets everyday life**

The NEA’s APP is a perfect example of how *not* to juggle the sometimes competing interests of artists, the public, and funders of public art. The APP, which survived from 1967 to 1995, tenaciously clung to the values of the curatorial class even as Congress was tightening the noose around the NEA’s neck. While this might have seemed at the time like a heroic stand in defense of artistic independence, ultimately it was merely self-defeating stubbornness.
The APP was created in 1967, two years after the birth of the NEA itself. Unlike the GSA’s AiA, the Endowment didn’t use the APP program to commission art. It merely offered grants to artists and arts organizations to create works of their own design, without giving specific guidelines for the art’s creation as a commissioning agency would have. And unsurprisingly, given the artistic mores of the day, many of the APP’s early public artworks were abstract sculpture. A good example is the program’s famous first project, Alexander Calder’s *La Grande Vitesse*, installed in Grand Rapids, Michigan, in 1969. The work was (and still is) situated on a windswept and barren plaza that is not user-friendly. That in itself was part of the problem at first, and continues to dog many APP projects. Their thoughtless placement and opaque design made them difficult for the public to approach in a meaningful way. Celebrated artists created many projects with artistic merit in their own right. But without interpretative cues, viewers often perceived them as part of the functional infrastructure, something to be ignored. In theory, the abstract pieces should have been universally approachable. In practice, however, they were not. It is true that the huge and colorful sculpture has now become the city’s brand icon, emblazoned on garbage trucks and city letterhead. Yet, while this apparent acceptance has been mythologized by NEA advocates as a ringing popular endorsement, the experience of several visits to Grand Rapids suggests that *La Grande Vitesse* is still an isolated object on an elevated, windswept plaza that does not work as a civic totem.

A big part of the problem with the APP was the NEA itself; the APP was just one thread in a complex web of curatorial arrogance that eventually landed the entire Endowment in the congressional hot seat. The APP fell victim to a larger culture of unaccountability at the NEA that pitted romantic notions of the independent artist against the desire of taxpayers to obtain understandable (or at least inoffensive) art for their tax dollars. Consider the flap over Andres Serrano’s infamous 1988 *Piss Christ,* a photograph of a crucifix suspended in the artist’s urine.
At heart, this dust-up resulted from the Endowment’s hands-off policy toward the artworks it supported. It relied on a high level of competition among artists to ensure that grants went only to the highest-quality artists, whom the NEA trusted to produce great works without censorship or guidance from the commissioners. As Bert Kubli, a grants officer for the APP program from 1974 to 1995, put it in an interview, “If you believe in what individual artists can do, stand back and let them do it.”

In retrospect, this policy appears sometimes naïve when it is applied to the particular needs of public art. Even worse, the NEA evinced no sign of comprehending the nature of the angst it was creating among some members of the public. The NEA eventually cut funding for individual artist grants, as a means of dodging bullets in the culture wars. But this step was misguided, since the works that were ruffling so many feathers hadn’t been funded through such grants in the first place. Serrano’s controversial photograph appeared in a traveling, judged exhibition, and it was this exhibition—not the Serrano photo or any of the other works—that was partially funded by an NEA grant. The same is true of another source of controversy, a 1988 Robert Mapplethorpe traveling retrospective entitled Robert Mapplethorpe: The Perfect Moment. This exhibition resulted in obscenity charges being filed against its hosts in Cincinnati and a lot of unfavorable attention for the NEA. But the Endowment had only funded it via an institutional grant to the Institute of Contemporary Art in Philadelphia. While on some level the difference between funding these artists and funding the institutions or exhibitions in which their works appeared might be of interest or import, it wasn’t the issue to the critics of these works, and the NEA’s pieties about protecting the rights of artists didn’t assuage them.

The rights of artists to produce their art was never really the question. The real question was, What art should be supported with tax dollars? In the context of an important public debate on the role of publicly funded art, politicians and lobbyists launched attacks on the immoral and offensive character of contemporary art. Unfortunately, there is no litmus test to determine what art will not
prove offensive to any constituency, and the NEA cannot effectively assess that. In a country where many and conflicting interests are represented, it is impossible not to step on toes, so perhaps it was inevitable that the NEA's programs would eventually come in for scrutiny. But because the Endowment's projects embodied the curatorial culture, they appeared foreign to much of the viewing public and to the elected officials deciding the program's fate. The disconnect between the public and its art left the NEA without a solid base of support to help it weather the storm. At this time, the highly visible products of the APP program became liabilities rather than assets.

Another example of an early APP project is Isaac Witkin's cor-ten steel *Everglades*, which sits in the middle of a barren concrete plaza in the center of downtown Springfield, Massachusetts, 1,500 miles from the sculpture's namesake. Built as part of a bicentennial revitalization project in 1976, the "urban park" soon became home to vandals and crime. Closed to the public within years of its initial opening, the park is now defunct indefinitely. In an effort to use cutting-edge design to place the small city "on the map," the sculpture brought Springfield forward into the future—right past the 200 years of tradition being commemorated in the bicentennial celebration. Almost 30 years later, there is no money to restore or resite the vandalized work. The sad and lasting repercussions of projects like this are the negative precedents set for public art in small cities that do not have the money or patience to waste on failed art projects. The people of Springfield are no longer inclined to take risks on new public art projects, even though some NEA grant money is still available to local arts organizations in the area.

The lack of support for the APP was due in part, no doubt, to the same perceptions of elitism and esoteric irrelevance that plagued the whole government arts apparatus at the time, including other NEA programs. Even the NEA eventually caught on to this, or at least paid lip service to the scale of the problem. As Gary O. Larson wrote in a 1997 book entitled *American Canvas: An Arts Legacy for Our Communities*:
In the course of its justifiable concern with professionalism, institution-building and experimentation during the 60’s and 70’s, the arts community neglected those aspects of participation, democratization and popularization that might have helped sustain the arts when the political climate turned sour.

If this was a problem in general, the crisis was even more pronounced regarding art in public places. Where else could federally funded art have owed more responsibility to its owners? Yet the trends in contemporary art and the needs and tastes of the general public were at odds. This is no new or unique phenomenon. But the debate highlighted the underlying issue: the tension between the “rights” of individual artists to create work without direction or input and the public’s “right” to have effective and meaningful artwork that reflected people’s needs, since they were paying for it. Rhetoric ran high on both sides.

Historian Michael Brenson captures the essence of the debate perfectly in his book *Visionaries and Outcasts: The NEA, Congress, and the Place of the Visual Arts in America*. From the perspective of the artists, “in its eagerness to root art into community and demonstrate art’s potential for social good, the individual artist was thrown out.” And yet, from the other side of the debate it looked as if “in its visual artists’ fellowships program, in its Art in Public Places program, and in other visual arts programs, [the NEA] put artists on pedestals, which reinforced the predisposition of many people to feel that artists, and the NEA, were arrogant and disdainful.” This conflict remained unresolved, especially in the APP program. And it was essentially the result of the NEA’s inability to draw a distinction between public and gallery art.

Artists garner their authority both by creating successful works and by being met in a respectful context where their work is taken seriously. In a museum or gallery setting, the importance of art is taken for granted—people are there specifically to see it. These museums and galleries, in Brenson’s words, “mobilized an aesthetic emotion whose specialness is defined, in part, by its separateness
from everyday life.” Yet in public spaces there is nothing to mobilize that sentiment. The art must relate to the viewer in a different way than is the case in a gallery. This is proven by example after example of famous sculptors, such as George Sugarman and Richard Serra, generating very different reactions in the street than they do within the art institutions. When art meets everyday life, as it does in public art, the romantic justifications put forth by the institutional art world fall short of meeting our understood requirements for the public realm.

The NEA did eventually catch on to this distinction, but too late. As grant officer Kubli explained in an interview:

[In] the relationship of the object to the community, to the site, people began to ask that question, and the field began to ask that question. This is when the word “site-specific” appeared. And the “public art administrator” role began to surface.

In the latter part of the history of the program, the involvement of the community in many phases of the creation of public art became ... possible without disturbing the rights of the artists.... Over time, many artists developed skills of dealing with the community, in fact incorporated the relationship with the community before they came up with even the idea of what they wanted to do.

The APP program had begun to learn some of the important lessons of public art planning. But by the time the Endowment saw the need to revamp their programming, the effects of the APP’s lack of public support spelled its undoing. When Congress forced the NEA to scale back its total budget dramatically, the APP was quietly erased.

“Plop art” in the plaza

Yet the downfall of the NEA’s Art in Public Places needn’t have been inevitable. At the same time that the APP was coming in for heightened scrutiny, another government art program was working to reinvent itself. The GSA’s Art in Architecture Program came to recognize that it needed to think of public art as a special subsection of the art world. As a result, it reformed its commis-
sioning system—and, more importantly, its attitude—to ensure that it was producing art for the community, instead of inflicting art on the community.

This really was a transformation for the agency, because it had itself perpetrated quite a few eyesores in its earlier history. One example is the Sea Flower installation, described above. In that instance, the GSA only placed an ugly work in a prominent place. But it was capable of much worse. With Richard Serra’s Tilted Arc, the agency would reach a nadir by placing an ugly work right in everyone’s way.

In 1981, the GSA commissioned Serra, an internationally renowned sculptor, to create a corten steel wall running through the plaza in front of the federal court house in New York City. It was a disaster. Serra intended the dividing wall to have deep and disturbing implications, to underline the ways in which our public life and involvement with the government affect us. To make his artistic point, Serra deliberately designed a wall that would divide the plaza and appear to reroute walking traffic around his structure. Serra’s subtle protest was purposely in direct conflict with the plaza’s ease of use. Although its perceived interference with pedestrian traffic would ulti-
mately spell the wall’s doom, ironically it was a huge, defunct fountain in the plaza to one side of *Tilted Arc* that actually interrupted the walking path. To disable a public space to make such a modest point might also seem a colossal act of hubris, which would have been more acceptable if Serra had attached wheels to the piece so that it could be moved aside. But, with the exception of kinetic artists such as Niki Saint-Phalle and Jean Tinguely, a sense of humor has not been noticeably present in works of civic sculpture. So the fact remained: In this instance, the GSA’s commitment to sponsoring a range of contemporary American art led it to commission a work that stood in direct opposition to the GSA’s more central commitment to build and maintain functional public spaces.

Not only that, but while people could experience first-hand how this structure was supposedly inconveniencing them every day, its intended interpretation was so subtle—or obscure—that few people understood it. Without any educational exhibit explaining Serra’s intentions, the plaza users’ annoyance inevitably trumped Serra’s artistry. In 1985, judges in the courthouse led a petition drive in which 900 of the 1,300 occupants of the federal building signed on to a request to have *Tilted Arc* removed. This led to a three-day hearing on the issue, which pitted traditional artists, behavioral psychologists, and building users against New York City’s modern art establishment. Finally, in 1989, and despite a rear-guard effort by the arts community to save the work, the GSA relented and *Tilted Arc* was removed.

The *Tilted Arc* fiasco and other lesser blunders point to fundamental questions with which the GSA grappled throughout the 1980s and early 1990s: Is public art valuable mainly as a force to bolster our traditions (as in old-time statues of Founding Fathers located in our historic public parks), or as a force to encourage the artistic vanguard of the day even when that vanguard is destructive or revolutionary in nature? And is there a commitment in public art to the users and funders (the taxpayers) of the work that is different from the relationship between gallery art and the public?
At first, the GSA didn’t get the answers quite right. One need look no further than the grandiose and self-congratulatory wording of a citation from the Presidential Design Awards of 1984:

Installations that may have been judged by the press, critics, and others to be difficult to comprehend (or less than completely successful) are to be expected in such a courageous program.

In other words, “Art is great because we say it is, public opinion notwithstanding.” Conspicuously missing was any acceptance of valid criticism of the program or its structure, let alone of the artworks it commissioned. It was precisely this type of attitude that had led to Tilted Arc three years earlier, and that would have pushed the GSA program into oblivion had not some more realistic voices started to make themselves heard within the GSA.

The first rumblings came in the mid 1980s, when regional building administrators began seeking more responsibility and accountability from publicly funded art. The first fruits of this effort came in the form of changes to the makeup of the panels responsible for commissioning artists for new projects. Until 1989, the GSA had used three-person panels comprising high-level arts professionals selected jointly by the GSA and NEA (a sign of the similarities between the two programs in their earlier history). But, in contrast to the NEA, regional offices in the GSA began to push for more input on projects.

Two things happened as a result: In 1989, the GSA expanded the size of these panels, so that decisions would now be made by a committee of 10. This involved a decisive split from the NEA, on which the GSA previously had relied for help in its commissioning process. But the NEA’s preference for a curatorial approach was increasingly at odds with the needs of the GSA. Now the panels would include community representatives from outside the arts world—in their earliest incarnation, the larger panels included five such community representatives in addition to five arts professionals. This was a marked contrast to the NEA’s policy of appointing only “peer professionals”—artists, curators, and field administrators—
to stand on selection panels. And the GSA would continue to demonstrate greater flexibility than the NEA, allowing the panel structure to evolve over time, such that they now include one nationally recognized arts professional, one local artist from the project area, a community representative, the project’s architect, a representative of the GSA building client, and two GSA associates.

In 1996, Robert Peck, a new Commissioner of the Public Buildings Service at GSA, orchestrated a comprehensive review of the agency’s art commissioning process. The former aide to Senator Daniel Patrick Moynihan had a strong interest in public art and urban planning, and was concerned that the GSA program had taken a wrong turn. He streamlined the approach to commissioning, making it similar to local and state public art organizations that were changing with the times. These procedures, based on decisions made by selection panels with regional representatives, were more accountable to the local public that would have to live with the art. Without micromanaging, Peck worked to create a process that would be more sensitive to the community. In a recent interview, he stated that,

> [previously], I didn’t think that most of the artwork did squat for making the building, as they would sometimes say about the art program, “a more pleasant addition to its community.” By the time I got there, GSA had decided that they were running a museum program or a sculpture garden program—what people refer to as “plop art.”

It wasn’t just the artworks themselves, Peck believed:

> The GSA had a 30-year tradition of building [an unsuccessful building] and then putting a world-class piece of sculpture in it.... First, let’s start doing good architecture that the people in the community will love.... Second, let’s see if we can really challenge artists to work with the building, use the art to create good places.

Peck’s approach to the GSA program was marked by a great deal of welcome pragmatism about the business of government art patronage. He had worked at the NEA as the assistant director of the Federal Architecture Program and director of federal agency relations in the 1970s and
seen firsthand their approach to public art, and was convinced that there was a better way. That would involve a more hands-on attitude toward artists. Peck had little patience for the argument that art and artists transcended, or at least should transcend, any sense of purpose:

[The NEA] influenced me in thinking that the dichotomy that the arts community often throws up, saying that as soon as you tell them that the art needs to serve a purpose you’re somehow flouting the artist’s creativity, is garbage.

And yet, in Peck’s vision, this did not mean creating a climate of disrespect for, or suspicion of, artists. Rather, he saw that a more practical approach to public art could prove liberating. He recalls being told by artists that “there’s actually nothing that’s more intriguing and challenging than being told that ... the person commissioning your art actually has a purpose in it, and you need to do it within a context.” And some aspects of Peck’s vision enhanced the prestige of art and artists. He required that artists be hired for projects much earlier in the architectural design phase than had been the case before. This early hiring ensured that art wasn’t cut at the last minute from overdrawn budgets. He required that artists have a hand in the design development review, a review of the plans for a building that occurs about a third of the way into a project. And although he introduced guidelines that were meant to ground the Art in Architecture program in the GSA’s core building mission, he made sure that these guidelines were just vague enough to give artists some latitude:

We did also draw up some guidelines that said what we’re looking for is art that works with the architecture. We tried not to define that too much because you don’t want to tell people exactly what that means. We also said that we were looking for things that made the building a better, friendlier, more welcoming place in its community.

Public art’s potential

The result of Peck’s reforms is evident today, in works of public art that truly augment the spaces they are in,
and that give enjoyment to the public. But the aftereffects of the Serra debacle still haunt the program.

In the plaza where *Tilted Arc* once sat, a landscape design now commands the space. While the celebrated landscape architect Martha Schwartz researched the needs of the plaza's users, the fanciful scheme has very limited artistic content, playing on the theme of New York's Olmsteadian parks. Schwartz conceives of her 1992 design artistically, although there is no official art element commissioned through the AiA program. The design helps to gloss over the plaza's tumultuous recent history, but it also neglects interesting elements of the location's past as Manhattan's largest fresh water source in the eighteenth century. This history had inspired Jane Greengold's temporary artwork "A Drop in the Bucket" in 1985. Surely, the plaza's more distant past could have been made a part of this design opportunity. Yet the plaza's refurbishment was not considered worthy of an official commission by a selection panel, even though 15 years earlier the space had been deemed significant enough to warrant a $175,000 artwork.

The New York plaza is not alone. Federal plazas across the country now require renovations. While the GSA maintains that it uses public art as much as it ever did, situations like the New York refurbishment put the program's commitment to the test. Deciding whether such a project is a minor fix or a major refurbishment warranting an art commission is subjective, and comes down to the perspective of the building administrators. Their prior experiences with public art, from the worst case scenario of *Tilted Arc* to more positive examples, will impact future opportunities for art. As it is now, these plaza projects continue without public art, leading to many missed opportunities. Designs like Schwartz's, while artistic, do not benefit from the input and rigor that a commissioning process offers. In this sense, although the GSA appears willing to continue its AiA program in full force, the effects of poor planning from the *Tilted Arc* era still reverberate.

This seems especially unfortunate given the high quality of the work that the GSA is now commissioning when it does launch its new, more rigorous commissioning pro-
cess. Consider the mural in the lobby of the Ronald Reagan Federal Building and Courthouse in Santa Ana, California. Local artist John Valadez depicts elements of Orange County's twentieth-century history in an architecturally integrated mural along the winding "piano wall" in the main lobby. The artist researched the area's cultural roots by attending fairs and seeking out historical photographs to craft a mural that depicts important aspects of Orange County life ranging from its traditional summer festivals to orange groves. The mural is a success on two fronts: First, it is accessible to the building's employees and visitors, both physically and conceptually. And its subject matter ties the federal edifice (and the government it represents) to the local history and community. A far cry from *Sea Flower*, New Bedford's plop sculpture, this thoughtful integration displays a commitment to serving the public by bringing resonant, approachable art into the daily lives of the mural's real patrons.

**Attitude adjustment**

The GSA's procedural evolution from 1967 to the present, bringing building users and local arts profession-
als into the commissioning process, results in more approachable and likable artworks that actually reflect the values and preferences of the communities that have to contend with the art long after the administrators have gone away. But it was the flexible and practical attitude of the GSA that encouraged the program’s transformation. What makes the GSA’s story refreshing is that it reflects a bureaucracy’s ability to respond to changing circumstances. The results are particularly interesting since the GSA chooses to furnish art—it is under no legal mandate to do so. Recognizing that there is no regulatory safety net to preserve the program, administrators have realized that local support ensures the program’s future. While not losing sight of fundamental artistic ideals, they know that along with a serious price tag on public art comes a serious responsibility to provide something meaningful to the public.

At the NEA, restructuring did little to resolve the confusion over its central purpose. Is the NEA a financial booster for the independent work of artists as selected by national curators, or is it charged with fostering a strong relationship between the public and the arts nationwide? The APP withered on the vine because it did not produce enough projects catering to local constituencies. Even without the umbrella of the APP program, enterprises that produce public art still receive some of the NEA’s grants. The theory is that this decentralized approach—channeling the money through local arts organizations—will deliver more responsive public artwork. This structure is unquestionably better at adapting to community needs. But it has still dodged a key question: How can a granting agency operate responsibly with no systematic way of reviewing the effectiveness of its past decisions?

One sign that the old, elitist attitudes have not changed is that there is no method for assessing the NEA’s past grants. There is merely a system of casual final reports that go straight into the filing cabinet. Not only did the NEA trust its artists and believe in their right to create their best work unfettered, but it had no way of gauging whether past projects were successful in anyone’s view.
The Endowment relied on the grapevine to spread the word on the good, the bad, and the ugly.

This lack of organized hindsight has haunted the NEA’s evolution. In 2002, SOS! (Save Outdoor Sculpture, a project of the independent nonprofit institute Heritage Preservation) attempted to catalog the NEA’s 650 APP projects from 1967 through 1992. Most of the files (many incomplete or out of date) were buried in the NEA’s archives, and hardly anyone at the Endowment seemed to be interested in the program’s history. When Bert Kubli retired, the former APP grants officer volunteered his time to archive APP project files for the benefit of future historians. He quit his attempt after four years, citing lack of cooperation from the staff. To this day, it is difficult to unearth information about the program. When we wanted to find out simple facts, such as when review-panel composition changed, as part of our research for this article, we discovered that current administrators didn’t know. We were told to file a Freedom of Information Act request.

This lack of transparency was designed in part to shield the Endowment from overly critical media, but it has also prevented self-analysis and growth. The experience in the NEA has been that a spotlight on its programs creates a backlash from legislators looking to tighten budgets. Some of the criticism may well be unfair, but that’s no reason to dismiss all criticism altogether. Furthermore, a solid program that’s responsible to the needs of its constituency can withstand occasional controversies. The NEA remains purposefully hands-off in order to let the arts coterie set its own direction. The Endowment may be understandably wary of imposing a federal agenda on the art world, but the key to Peck’s reform of the GSA program was his willingness to impose accountability on the arts bureaucracy. Such accountability necessarily requires good internal record-keeping to facilitate the development of valuable institutional memory. The NEA is out of the glare of public scrutiny for the time being. But without any way of learning from its past mistakes, and even lacking any apparent desire to do so, one wonders if it is only a matter of time before the Endowment is in the hot seat.
again. In a field where any press can be bad press, the issue requires a thoughtful dialogue rather than the usual degeneration into vitriolic name-calling between the “populist philistines” and the “aesthetic standard-setters.”

**Arts bureaucracies are still bureaucracies**

Perhaps the most significant difference between the evolutionary paths of the NEA and GSA public art programs lies in their views of themselves. GSA’s Art in Architecture proved successful thanks to the leadership of administrators who recognized that even an arts bureaucracy is still a bureaucracy, where responsible procedures produce good results. That means that to be successful, it needs to be willing to organize itself under some principle of accountability to the taxpayers who fund it. In fact, its success depends on the commissioning of high-quality art that is accessible to the public. But the GSA program does prove that, in order for public arts patronage to be a success, artistic bureaucrats and bureaucratic artists need to recognize that they are not operating in a vacuum, subject only to the whims of curators.

At a time when American cities and sprawling suburbs increasingly need the “place-making” that public art can provide, and with growing experience among arts administrators at the local level, there is a vast potential for federal arts programs to do great things. Of course, it is neither possible nor desirable to create art that is foolproof, art to which nobody will object. That is a fatuous goal and an impossible standard. But we need a realistic assessment of risk. Rather than having bureaucrats hoisting themselves on their own petards in the defense of an abstract notion of artistic integrity, it is time for policy makers to learn from the cautionary tales of those landscapes blighted by earlier works of public art. Indeed, strong programs that define procedures not only for recruiting local talent but also for understanding local conditions will help works of art to weather healthy criticism. The task for commissioners and grantors is this: How can you meet the needs of your constituency? Even El Greco had a patron, a client who directed him to paint
on the theme of *Christ Driving the Money Changers from the Temple*. Working under that constraint did not thwart El Greco’s distinctive artistic contribution.

The first step is doing your community homework. What makes a meaningful place? It is usually a combination of factors including uses, scale, street furniture and amenities, quality materials, and public art and craft. Asking questions about the space, a process we call “environmental profiling,” is really the basis for the commissioning process, and should also have an important role in evaluating applications from artists in a grant-making program such as the NEA’s. Obviously, locals are going to be more intuitively aware of the environmental factors of a place, but there is value in didactically spelling it out in the procedures that the panel develops. Indeed, the creative tension between behavioral patterns, artistic traditions, the physical design constraints and opportunities inherent in a particular space (such as being located in a historic district), and the historical and cultural context can be incredibly useful and productive. The community then has some ownership stake in the metaphors that come out of this process.

The point is not to create art that caters to the lowest common denominator of populist consensus, but rather art that finds its inspiration in a certain contextual rigor—art that challenges the public rather than approaching it with contempt. At the end of the day, bureaucratic procedures that facilitate this will give us art in which we can believe, and programs that will survive.
Love and marriage—and family law

DANIEL CERE

FAMILY law is in turmoil. It is on the front pages of our newspapers and is implicated in some of our deepest cultural dilemmas and conflicts, from no-fault divorce to the legal status of unmarried cohabiters to, most recently, same-sex marriage. The courts are actively engaged in reconstructing the public meanings of family and marriage, while lawyers and legal theorists have been pressing forward on new, cutting-edge issues. Family law now operates in a global context, with legal scholars in one nation often influencing their peers elsewhere.

At the same time, to the layperson this path toward the legal reconstruction of family life is often highly confusing. The confusion stems in part from the law’s method and language of incrementalism—its tendency to work its changes through individual cases and the reshaping of

This essay is based on a forthcoming report on family law to be published by the Institute for American Values.
discrete legal categories. This method only occasionally and incidentally provides clarity about the deeper issues at stake.

Yet there is no more important moment than now for citizens to know more about the direction family law is taking. Recently, two influential reports on the family have been published in the United States and Canada. These reports, written by committees of lawyers, seek to push family law in new directions far removed from its traditional role of supporting marriage and protecting the best interests of children.

The first study, entitled *Principles of the Law of Family Dissolution*, is a major American report published in 2002, after more than a decade of work by scores of legal scholars and practitioners, by the American Law Institute (ALI), one of the nation’s most prestigious legal organizations. Founded in 1923, ALI is an association of America’s elite legal scholars, judges, and lawyers. The Institute develops “restatements” of law, model codes, and proposals for legal reform. Its reports carry considerable authority within the legal community.

The ALI’s new report, more than a thousand pages long, clearly seeks to change existing law in a number of key areas. First, it proposes to sideline what it calls “traditional marriage,” re-situating marriage as merely one of many possible and equally valid family forms. Second, it seeks to break the ties between biological and functional parenthood (with “functional parenthood” meaning the day-to-day work of raising children). And third, the report pushes toward full legal marriage rights for same-sex couples.

The second major report is *Beyond Conjugality: Recognizing and Supporting Close Personal Adult Relationships*, published in 2002 by the influential Law Commission of Canada. (The Law Commission of Canada, appointed by the Canadian government, is an “independent” federal law reform agency that advises Parliament on how to improve and modernize Canada’s laws.) The Canadian document is remarkably similar to the ALI report. It recommends that the law focus on the “substance of relationships,” rather than giving legal recognition to any specific “arrange-
ments," such as marriage. It argues that any relationship that is marked by interdependence, mutuality, intimacy, and endurance merits legal recognition. It contends that governments “should recognize and support” all significant adult “close relationships” that are “neither dysfunctional nor harmful.” While the report focuses on adult “close personal relationships,” it also emphasizes the need for new approaches to the place of children in adult relationships. It underlines the expanding variety of adult parenting arrangements and the growing disconnect between marriage and children.

Americans would be wise to look north and examine closely what is happening in Canada. In what may be surprising news to many in the United States, Canada is now at the forefront of Western nations that are instituting radical changes in family law. Canada is pushing the envelope, and provides a critical and timely example of where the United States might be headed.

The incremental process of legal redefinition advocated by these new, influential reports has real consequences. William N. Eskridge, Jr., a Yale law professor and advocate for same-sex marriage, explains the benefits of this incremental procedure in his 2001 book *Equality Practice*. Though he supports same-sex marriage, for strategic reasons he advises against any direct push for legal redefinition. The complex incrementalism of law, he argues, is a powerful and effective tool in seeding, leavening, and ultimately changing public opinion. He writes that a main benefit of this method is that it leaves resulting changes largely immune from direct public criticism and debate.

But make no mistake, incremental changes do not mean slow changes. Eskridge points to Holland and other European countries that, in a fairly short amount of time, have ushered in a variety of state-sanctioned relationships that now compete with marriage. According to Eskridge, these “equality practices” help to “denormalize marriage.”

**The new model**

The authors of *Principles of the Law of Family Dissolution* and *Beyond Conjugality* do not work in a vacuum.
A new social theory has exerted considerable influence in contemporary legal thinking, a theory to which they frequently turn.

The discipline, called "close relationship theory," has grown surprisingly quickly to become a leading paradigm in contemporary social research on human intimacy, relationships, and marriage. It emerged prominently in the 1980s, spearheaded by a diverse group of scholars and academic associations, such as the International Society for the Study of Personal Relationships and the International Network on Personal Relationships. This intellectual movement is supported by two major journals—the *Journal of Social and Personal Relationships* and *Personal Relationships*—as well as a number of major publication series, including the *Sage Series on Close Relationships* and *Advances in Personal Relationships*. To a remarkable degree, this intellectual framework permeates current academic theorizing on sexual and emotional intimacy and marriage.

The influence of the approach also extends beyond the academy. Anthony Giddens, former director of the London School of Economics and probably Britain's most distinguished sociologist, writes that the close-relationship approach to human sociality is reconfiguring popular as well as academic culture, bringing about a new grammar of intimacy. He believes that we are moving from a marriage culture to a culture that celebrates "pure relationship."

A "pure relationship" is one that has been stripped of any goal beyond the intrinsic emotional, psychological, or sexual satisfaction of the individuals involved. In this new world of increasingly "pure" relationships, marriage is placed analytically on the same playing field with all other long-term, sexually intimate relationships. Similar values and processes are said to govern the initiation, maintenance, and dissolution dynamics of all relationships. Marriage does not merit special consideration or attention. It's just a subcategory—one of many possible relationships.

As an academic field, close relationship theory insists on bringing a common theoretical and methodological ap-
approach to the study of all "sexually based primary relationships." The differences between non-cohabiting, cohabiting, and marital close relationships are differences in degree rather than kind. The existence (or lack of) a legally recognized bond such as marriage is a secondary consideration. Marriage is simply one instance of what close relationship theorists would call an intimate, "dyadic" (two-person) sexual relationship.

Close relationship theorists maintain that what was once called the nuclear conjugal family can no longer serve as a useful focus for scholarly research. They argue that viewing sexual and procreative life through the lens of conjugal marriage constitutes an external, "ideological" perspective that distorts objective analysis. The traditional marriage-and-family approach imposes an ethnocentric "benchmark" or "ideal." This view, they say, does not speak to the experiences of racial minorities, women, single parents, divorced and remarried persons, gays and lesbians, and others.

This ALI report has applied the new social theory of close relationships to the law. *Principles of the Law of Family Dissolution* insists that the law offer most cohabiting same-sex or opposite-sex partners, with or without children, many of the legal and parental rights previously reserved for married couples. Today's legal elites seek to replace "conjugality" with "close personal relationships" as the central organizing principle of family law.

**Just another relationship?**

The dominant view among legal elites—including the American Law Institute and the Law Commission of Canada—is that the purpose of family law should not be to protect the right of children to grow up, when possible, with their own, married parents. Instead, the purpose is to protect and promote something called "family diversity." Building on the sound idea that societies flourish when people of varied backgrounds live and work together, the authors of these two reports believe that society is better off when all kinds of families are seen as equally advantageous for children, for couples, and for society.
To this end, the ALI’s report scrupulously avoids even the suggestion of any ideal types or authoritative standards to be imposed by law or policy on the complexity of human relationships. For its authors, any such imposition would violate the norm of family diversity. Katherine Bartlett, one of the report’s main authors, said that the passion that drives her work is

the value I place on family diversity and on the freedom of individuals to choose from a variety of family forms. This same value leads me to be generally opposed to efforts to standardize families into a certain type of nuclear family because a majority may believe this is the best kind of family or because it is the most deeply rooted ideologically in our traditions.

Instead, Bartlett wants to embrace equally all forms of “intimate relationships.” Any approach that suggests a “standard” is rejected as morally repressive and stigmatizing. Privileging marriage, or in any other way suggesting ideals, standards, or norms for family life, threatens the value of diversity that Bartlett and her peers argue is essential to robust community life. Instead, in this report she and her peers seek to de-privilege marriage, making it just one of many kinds of relationships.

A similar perspective anchors the recommendations of the Law Commission report. Two legal scholars who contributed to the preparatory work for the report have argued that “the role of the law ought to be to support any and all relationships that further valuable social goals, and to remain neutral with respect to individuals’ choice of a particular family form or status.”

Both reports ignore the wealth of social science data on the importance of marriage for children and society. Instead, they rely on a social-constructivist vision of the world. For these authors, social reality is infinitely malleable. The only clear standards for relational behavior are the off-side zones delineated by criminal law. Marriage is set free to float on the shifting subjective expectations of its participants.

Yet despite the authors’ reluctance to pin themselves down, a discernible vision of human relationships perco-
lates through both documents. Marriage and parenting are seen as relationships with very high degrees of plasticity. They are only given meaning by the choices made by diverse individuals who make up this wide array of relationships. "Marriage," the authors of the American report venture, "is an emotional enterprise, with high returns and high risks." It is a function of individual commitments and accommodations:

Different couples arrive at different accommodations in their relationships, and some depart from the social conventions. Intimate relationships often involve complex emotional bargains that make no sense to third parties with different needs or perceptions.

In the view held by the ALI authors, marriage has no real public content. It is the relational play of highly subjective, diverse constructions of intimacy and love.

**Brave new worlds**

The intellectual tectonic shift in favor of close relationships can lead in three possible directions for family law. These directions are not necessarily fully compatible with one another—indeed, in some instances, they compete with one another. But they all stem intellectually from this larger ideological shift. Each is playing a significant role in today's legal and public policy debate.

The first and arguably most familiar direction that marriage might take is the reduction and eventual elimination of distinctions between marriage and cohabitation. In this view, marriage and cohabitation are two kinds of close sexual relationships that are functionally so similar that they must be treated the same in law. This is the equivalence model.

The ALI report argues that the rights and benefits afforded partners should be based on "the character of their social relationship," not their marital status. The report inflates the concept of "putative" (or presumed) spouse in order to extend legal consideration to anyone whose role is consistent with the "social relationship" of spouse. Accordingly, the report treats the "failure to marry" as relatively inconsequential. Failure to marry, the authors write,
is typically a function of social or cultural mores that discourage the desire for marriage. Other possibilities include the couple's desire for a non-traditional relationship, or actual impediments to marriage, such as laws prohibiting same-sex couples from marrying. The ALI authors write that "in all of these cases, the absence of formal marriage may have little or no bearing on the character of the parties' domestic relationship." Instead, they define the marriage-like or conjugal character of domestic partnerships by a set of generic relationship characteristics that mark "a life together as a couple."

A second direction marriage might take is redefinition. Viewing marriage primarily as a commitment between two people, this direction solidifies the growing cultural understanding of marriage as a couple-centered bond. Legal decisions in Massachusetts and Canada have called for the redefinition of marriage as a "union of two persons," rather than a "conjugal" union. These legal redefinitions of marriage aim at legalizing same-sex marriage, but the push for redefinition is part of a much larger reconception of the public meaning of marriage itself.

According to this view, "commitment" is the glue of close relationships. The maintenance of a relationship hinges on the partners' willingness to make long-term commitments and continually to re-invest in their relationships. Some legal theorists want to redefine marriage as merely "the pre-eminent expression of intimate commitment," and therefore as the close relationship par excellence. Marriage, as Georgetown University law professor and author Milton C. Regan, Jr., writes, is "the most significant symbol of commitment to a shared intimate life between adults." Another author, Jonathan Rauch, argues that if we "pare marriage to its essential core" we discover a "uniquely solemn commitment," or the "Big Commitment." Cohabitation is portrayed as a less committed form of close relationship that deserves different treatment in the eyes of the law.

This conception of marriage as the most "committed" close relationship views the equivalence model as a transitional strategy to accommodate relationships that cannot yet access marriage. Legislative decisions to benefit what
some jurisdictions call “domestic partnerships” are acceptable only as temporary remedies for the unjust situation of committed, same-sex couples who are currently unable to marry. Once full access to marriage is granted irrespective of sex, then any legal benefits to domestic partnerships should be rolled back.

The legal and social implications of the redefinition of marriage as a couple-centered bond will take years to play out. Some societies, such as Quebec and Sweden, which have been most successful in channelling their communities toward a couple-centered conception of marriage, are also distinguished by having some of the lowest marriage rates, the highest cohabitation rates, the highest rates of never-married singles, and the lowest fertility rates in the Western world.

To legally redefine marriage as a gender-neutral couple-centered bond also means rejecting older, traditional meanings as discriminatory. In the United States, the four majority judges in the Goodridge v. Dept. of Public Health decision, which brought legalized same-sex marriage to Massachusetts, denounce as “discriminatory” the conjugal view of marriage as a union of man and woman. The four judges of the Massachusetts court suggest that the real motivations of those who oppose their gender-neutral, couple-centered view of marriage are “rooted in persistent prejudices against persons who are (or who are believed to be) homosexual.” “The Constitution,” they warn, “cannot control such prejudices but neither can it tolerate them.”

The third direction involves disestablishment of marriage, such that the law would no longer offer any definition of marriage. Only a few years ago, almost no one favored this idea. But today this option appears to be gaining converts across the political spectrum.

Some argue for disestablishment because they believe that marriage is essentially a religious institution, something in which a secular liberal state should have no role. One proponent of this view, Nancy Cott, professor of American history at Harvard University, argues that Christian models of conjugal monogamy have been legally incorporated into our social life. In this view, the heterosexual definition of marriage legally imposes a particular
theological or religious vision of marriage on society, one that violates the convictions of sexual dissenters and non-conformists. Cott and others argue that the separation of church and state requires ridding the law of any theological vision of marriage.

Cries for disestablishment are not just heard on the secular Left. Many libertarians take this view, too. And from a very different quarter, many religious constituencies are also questioning whether the disestablishment option might be preferable to a full-fledged, legal redefinition of marriage. They point out that the political regulation of marriage was a relatively late development in the history of Western marriage. For some, the state has done more harm than good in its attempts to influence the development and direction of marriage culture. In this view, the disestablishment of marriage is not a demotion of marriage to the private sphere, but rather a liberation from the stultifying and deforming grip of the state. Marriage, like religion, it is argued, can only really flourish when it is freed from political control.

The cutting edge

All of these major trends in law are part of a movement to channel public law into a new authoritative framework that is “beyond conjugality.” It has placed us on a slippery slope. Once marriage is repositioned as merely one of many equally valid examples of a close relationship, at that point any kind of close relationship may be entitled to legal recognition. If conjugal relationships “vary widely and almost infinitely” then virtually any caring relationship is arguably worthy of state recognition and social support.

Today, the hottest subject in marriage law is not gay marriage but polyamory; it is the Left’s most cutting-edge cause. But what exactly is polyamory? It is distinguished from polygamy in that polyamory means “many loves” while polygamy means “many marriages.” Polyamorous relationships are multiple-partner sexual relationships (in which one or more couples within the group may or may not be married to one another). Proponents of this move-
ment distinguish polyamory from “swinging.” The polyamory movement likes to say that it advances “ethical non-monogamy,” the idea that one can be sexually involved with more than one person in an open, communicative, and honest way. Hoping to ride the coattails of the gay marriage movement, some, like the Unitarian Universalists for Polyamorous Awareness, are now pushing for liberal religious traditions to recognize multiple-partner marriage.

Polyamory advocacy is not confined to the worlds of old hippies and edgy theorists. Credentialed legal professionals with real-world influence are making proposals to legislators. With Canada once again at the forefront, the Law Commission report raises the question of whether the new legal category of “close personal relationship” should be “limited to two people.” With internal consistency clearly on their side, the authors insist that “the values and principles of autonomy and state neutrality require that people be free to choose the form and nature of their close personal adult relationships.”

The existence of these scholarly and legal conversations is noteworthy. For centuries, Western legal traditions have been rigorous in ruling polygamy out of bounds in a marriage culture, not to mention its contemporary variants such as polyamory. But now, as this new close relationship paradigm begins to shape the conversation, an infinitely malleable conception of conjugality permeates the legal mind. In the plastic world of “intimate relationships” firm distinctions begin to dissipate. Conjugality begins to inflate and morph. The first inflation successfully drew cohabitating relationships into the marital regime. The second inflation, the assimilation of same-sex relationships, has jumped quickly from the academy into the courtroom. Meanwhile, conferences and seminars are underway talking up polyamory. The legal challenge to the two-person nature of marriage is only a matter of time.

In the best interests of parents?

Marriage organizes and helps to secure a basic birthright of children. A pivotal purpose of this social institution has been to forge a strong connection between men
and women and the children resulting from these bonds. When you change marriage, you change relationships between children and their parents. The ALI and Law Commission reports have much to say about parenting, much of which may be disturbing to actual parents.

The Law Commission report, for example, draws a bright line between marriage (a recognized close personal adult relationship) and parenthood. The authors argue that these two categories “raise very different issues.” Parenthood is not related to marriage. The central purpose of marriage is “to provide an orderly framework in which couples can express their commitment to each other and voluntarily assume a range of legal rights and obligations.” Children are stripped from the core meaning of marriage now defined as a close adult personal relationship. They are shuffled into another category of “close personal relationships” known as “intergenerational relationships that involved the rearing of children.” With this comment, the authors of Beyond Conjugalitv wave good-bye to parenthood.

The ALI authors are on a similar path. Throughout their discussion, the authors view with suspicion any attempt to apply legal standards to parenting. For ALI authors, even age-old standards, such as that family law should operate in “the best interests of children,” are questioned. They argue that such guidelines are always murky and usually mask prejudicial cultural values. They worry that any appeal to an “objective” standard for parental conduct might threaten the one value that features prominently throughout the pages of their report, that of diversity:

Even when a determinate standard conforms to broadly held views about what is good for children, it can intrude—just as indeterminate standards do—on matters concerning a child’s upbringing that society generally leaves up to parents themselves, and standardize child-rearing arrangements in a way that unnecessarily curtails diversity and cultural pluralism.

Katherine Bartlett, one of the ALI authors, notes proudly that she and her team were able to come up with a “default rule that avoids these kinds of empirical and normative assumptions about the family and is, accordingly, less family-standardizing.” The “default rule,” the main
way in which the authors of the report circumvent broad legal standards being applied to individual cases, is to point to past parenting practices. How individual adult claimants have participated in the day-to-day raising of the children they are in close relationship with will determine their parental status:

[This rule] operates not from a state-determined, family-standardizing ideal but from where the parents themselves left off. It is based not on empirical evidence of the experience of families in the aggregate but on the individual experiences of the family before the court.

Bartlett and her colleagues also attack the “best interests of children” standard as “a highly contingent social construction”:

Although we often pretend otherwise, it seems clear that our judgments about what is best for children are as much the result of political and social judgments about what kind of society we prefer as they are conclusions based upon neutral or scientific data about what is “best” for children. The resolution of conflicts over children ultimately is less a matter of objective fact-finding than it is a matter of deciding what kind of children and families—what kind of relationships—we want to have.

The ALI’s underlying assumption is that doing right by adults will have good outcomes for children. The report affirms “the positive correlation between the interests of the parents and the welfare of their children.” It argues that the courts must carefully respect the diverse choices and life styles of parents since the “improved self-image” of the parents rebounds to the “ultimate benefit” of the child.

In this view, custody procedures must be expunged of any practice that might suggest judgment of adult conduct. The courts must respect wide arenas of adult lifestyle choices, just as they respect basic human rights:

All stereotypes should be avoided.... This section singles out race, ethnicity, sex, religion, sexual orientation, extramarital conduct, and financial circumstances because these factors have created the most troublesome distortions in judgments about what is best for a child, and thus require the greatest vigilance to avoid.
For the ALI authors, a parent’s “extramarital conduct” should have no more bearing on a custody decision than a parent’s race. The presence of unmarried lovers in the home with children is not a detriment to good parenting. Not that the ALI authors assume children will necessarily feel comfortable or happy with all the sexual choices their parents may make. Surprisingly, they write:

Even a child’s awareness of such a relationship, or dislike of the individual with whom a parent has developed an intimate relationship, should not justify interferences relating to the child’s welfare or parental fitness; children cannot be protected from every source of unhappiness and unease.

Parents by choice

In the ALI report, even the question of “who is a parent?” is up for grabs. The authors make clear that parents do not earn their status based on a simple biological relationship to their child. Instead, the definition of “parent” is based on a more pliable assessment of the people who actually care for a child on a daily basis. For the ALI authors, parenting is a particular type of adult-child close interaction. The law must be concerned with the “intensity and quality of parental care” since “children derive benefits from adults who love them, who know how to provide for their needs, and who are willing to make the effort and sacrifices required to parent well.”

The report vigorously tweaks two legal concepts in order to move functional parenthood (that is, the day-to-day raising of children) into center-stage, displacing biological parents. These concepts are “parent by estoppel” and “de facto parent.” In a nutshell, the ALI report states that “unless otherwise specified, a parent is either a legal parent, a parent by estoppel, or a de facto parent.” The natural or biological parent does not figure as an independent category in this threefold classification, nor do adoptive parents. Instead, biological and adoptive parents are folded into the other three categories.

Traditionally, parent by estoppel has been the case in which a father, in good faith, believes that he is the father of his spouse’s child and continues fully accepting
his parental responsibilities even after he learns that he is not the biological father. The ALI report pries open this concept in order to offer it to any biologically unrelated person who wants to take on parenting responsibilities. Thus a “parent” could be a person who “lived with the child since the child’s birth, holding out and accepting full and permanent responsibilities as parent, as part of a prior co-parenting agreement with the child’s legal parent.” The report defines a parent by estoppel as “an individual who, even though not a legal parent, has acted as a parent under specified circumstances which serve to estop [stop, block] the legal parent from denying the individual’s status as a parent.” This category is “afforded all of the privileges of a legal parent.”

The ALI authors seem to believe they are allowing for a harmonious, egalitarian system of parenting, in which the people who actually care about the child are recognized as parents by the law. But even a casual inspection reveals a troubling, oppressive quality to their vision. If put into practice, their proposals demand a complex extension of the state into private family life in order to sort out whole new categories of conflicting claims. If another adult—for instance, the child’s stepparent or a parent’s boyfriend or girlfriend—is deemed more caring or involved, that person’s interests in the child may well win out over the biological parent’s. If a father works long hours to support his children and is away from home a lot, mom’s boyfriend could trump him in a custody suit because he’s been with the children a lot more, or is more “caring.” As this brave new world of family law evolves, simply being the child’s father or mother may not be enough.

A more humane wisdom

Institutions like marriage and parenthood are not just mechanisms to fulfill individual needs and aspirations. They are also rich, multilayered realities that speak to the need for meaning and identity within the human community. A rich heritage of symbols, myths, theologies, traditions, poetry, and art have clustered around the marital bond. To
change the core features of marriage is to impact real people—adults and children—whose lives are significantly shaped by this institution.

The type of legal theorizing and policy proposed by the ALI and Law Commission reports systematically marginalizes, and drives to the very periphery of the discussion, the core features of conjugal marriage and parenthood. The complex social institution of marriage requires ongoing change to sustain and enrich human culture. But the well-being of children, parents, couples, and society is threatened in the push to erase and "denormalize" the core features of marriage and parenthood from law and public discourse.

Can an insistence on family diversity as our guide offer any meaningful insight into the distinctive significance of marriage in human culture? Can close relationship theory stir up any reflective wonder about the remarkable social-sexual ecology behind human culture? Can functional parenthood capture the deep-seated human concern for connection between children and their natural parents? For most ordinary citizens, the commonsense answer to all these questions is "no." This rough human wisdom suggests that academics and legal theorists just may be getting it wrong. Perhaps we should insist they go back to the drawing board and try to get it right.
Assimilation, past and present

ROBERT A. LEVINE

Is America’s Anglo-Protestant-African-Catholic-Indian-German-Irish-Jewish-Italian-Slavic-Asian society in danger of “Hispanicization?” The obvious answer is “no.” Every major new addition to American society has been viewed in its time as a potential agent of change. And this view has been correct: American society has continuously evolved. But “change” is not a synonym for “danger,” and in no case has the essential fabric of America been endangered. Nor is it by the latest influx of mainly Mexican Hispanics.

Acculturation has always been a two-way street in the United States. The major waves of immigrants into this country, starting with the Irish in 1845, did not become Anglo-Protestants like those who colonized the eastern seaboard, declared independence, and wrote the Constitution and the Bill of Rights. (Of course, given the large numbers—and, yes, influence—of blacks, the colonies and states had never been fully Anglo-Protestant anyhow.) But
the newcomers did become Americans, and in the process, Anglo-Protestant society changed too.

Although the answer to the question about endangerment is “no,” it is not, however, “Of course not.” Those who fear the current Hispanic influx contend that this time things will be different. True, the same has been stated about every previous wave of immigrants, wrongly as it happens. But perhaps the case of Hispanics really is different: After the boy’s false cries of “wolf,” the wolf did come and eat a number of villagers, including the boy. But in our case, the wolf is not crossing the Rio Grande and the Sonoran Desert. The Hispanic immigration is in fact different, but it is no more different than the other ones were from each other, and the republic is not in danger, at least not from this quarter.

I will focus on the effects of the current large-scale Mexican immigration on American society and life, because that is where the fears are. As put by Harvard political scientist Samuel P. Huntington in his recent book *Who Are We? The Challenges to America’s National Identity*:

Mexican immigration is leading toward the demographic *reconquista* of areas Americans took from Mexico by force in the 1830s and 1840s.... It is also blurring the border between Mexico and America, introducing a very different culture, while also producing the emergence, in some areas, of a blended society and culture, half-American and half-Mexican.

These concerns are directed at the Mexican immigration (or sometimes at the broader Hispanic immigration), not at other related issues or problems: the parallel Asian immigration that is both smaller, more highly educated, and thus more easily assimilated; the environmental and other effects of overall population increases; or the legal and political issues surrounding undocumented immigrants. The issue raised by the critics is the composition of the American population, not its size or the effects on homeland security of a porous border. These are issues in their own right, and would have to be addressed separately.
Huntington provides an important analytical dichotomy, dividing the elements of “American identity” between “creed”—ideology, having to do mainly with our political institutions—and the underlying “culture” that structures the society in which we live. I’ll start with a brief discussion of previous mass immigrations—Irish, Eastern European Jews, and Italians—as a background for the examination of the impact of the Mexican immigration first on America’s creed—which remains safe—and then on our culture—which the newcomers will change, as newcomers always have.

The Irish, Jews, and Italians

Until 1845, the 13 colonies and then the United States were essentially the Anglo-Protestant societies of rosy recall. There were some others—English Catholics and Germans, in particular—but the generalization held. Starting with the Irish potato famine of 1845 and the consequent mass migration to the United States, however, things began to change rapidly. The remainder of the nineteenth century and the beginning of the twentieth saw three waves of immigration comparable in size to the current Hispanic influx. After the Irish, a new wave beginning in the 1880s and lasting until the threshold of the First World War brought in Italians (and a smaller number of Eastern European Catholics), and Eastern European Jews. The two million Irish who entered in the 1840s became about 10 percent of the American population; by 1925 Italian Americans and Jews together constituted a somewhat larger proportion of the population. It should be noted that the peak proportion of foreign-born Americans was 14.8 percent in 1890; in 2000, it was 11.2. We have a way to go before we match even our own immigrant past.

All three migrations were different from one another; all three were absorbed in similar ways—“Americanizing” the newcomers into a society that changed simultaneously by adapting to the immigrants. For each of the three groups, the process was a long one—from 50 or so years for substantial acceptance to about a century for full assimilation.
Starting in 1845, the signs went up, "No Irish Need Apply." The anti-Catholic Know-Nothing party burgeoned nationally, and Irishmen were caricatured as "monkeys." Virulent anti-Catholicism persisted through the last gasp of the Ku Klux Klan in the 1920s; it did not disappear (almost) until the 1960 election of John F. Kennedy to the presidency. Long before that, however, the Irish had essentially assimilated: Al Smith's 1928 presidential candidacy was defeated partially by the Klan, but the very fact that the Democrats nominated him indicates widespread acceptance.

However, the culture the Irish assimilated into over the course of a century was not the "pure" Anglo-Protestant society of 1845. The assimilation process itself made America partly Irish. Irish cops became the norm in many cities, and later, Fordham-educated FBI agents spread across the country. Catholicism, still largely Irish-led, has changed from "the Enemy" to merely another religious denomination, the largest one. St. Patrick's Day is practically an American festival. On many political issues today, Catholics are allied with evangelical Protestants against cultural "liberalism."

The parallel immigrations of Italians and other Catholics from Eastern Europe and of Eastern European Jews beginning in the 1880s followed a similar pattern. It would be 50 to 100 years for the Mediterranean laborers and the exotically dressed Talmudists to become the contractors, business CEOs, college presidents, novelists, and entertainers of the present. And this assimilation was strengthened by intermarriage: By 1990, the intermarriage rate for Italians had reached 60 percent; the corresponding figure for Jews is about 50 percent. But their assimilation changed America. The culture of Martin Scorsese and Philip Roth, former president Lee Iacocca of Chrysler and president Lawrence Summers of Harvard, the pizza and the bagel, is not the culture of Nathaniel Hawthorne and the barrel of salt pork, let alone the England of Samuel Johnson.

More importantly, these three immigrant waves have not degraded the American political creed or our essential political institutions. Political absorption can be measured by congressional statistics. The House of Representatives
elected in 2002 had 26 Jews and 25 Italian Americans; nobody bothers to count the Irish any more, nor, given intermarriage, would that be possible. Senatorial statistics, however, are even more revealing. It is easy for individual congressional districts to become dominated by ethnic majorities and to elect their representatives accordingly. But none of the three immigrant groups has become a majority in any state and thus election to the Senate marks a more substantial degree of assimilation to the political creed. A few Irishmen were elected to the Senate before the Civil War, but it took 60 years, to the first decade of the twentieth century, for the cumulative number to reach five. That number mounted to 25 by the 1940s; after that it became too difficult to count, and nobody cared anyhow. The Jewish experience was parallel. It took until the 1970s, 90 years after the start of mass immigration, to elect the tenth Jewish senator; by the 1990s, the cumulative number had reached 26.

There have been fewer Italian-American senators, about 10 by the 1990s. Writers about immigration and assimilation frequently talk in terms of Jews and Italians as a single wave, but the intermediate paths of the two groups have been very different. The vast majority of Eastern European Jews came from large or small urban areas in the Russian “Pale of Settlement,” including Poland and the Baltic areas, and from adjacent areas of eastern and central Europe. They seldom worked the land. And their biblical and Talmudic traditions brought them to Ellis Island as small business people, craftsmen such as tailors, and, most importantly, scholars and debaters. These characteristics helped Jews take better advantage of America’s educational opportunities than Italian immigrants.

Italians of the mass migration came as illiterate peasants from the southern Mezzogiorno, by far the poorest region of the newly unified Italy. They typically made their way as pick-and-shovel construction laborers in work gangs organized by padroni, an echo of the near-feudal system from which they came. They were close to their churches, in separate parishes disdained by the Irish who had by then established themselves. Education was not a priority. For these reasons, Italian assimilation was slower
than Jewish assimilation, the Mafia outlasted the Jewish gangs, and the first really well-known Italian-American executive of a non-ethnic company, Lee Iacocca, came relatively late in the game. And fewer Italians were elected to the Senate, though it should be noted that the first Italian-American candidate for vice president of the United States, Geraldine Ferraro, preceded the first Jew, Joe Lieberman, by 16 years.

The Jewish experience is better known, and many of the doubts about the new Hispanic mass immigration may be based on an implicit and misleading comparison to the relatively rapid rise of Jews in America. But in fact, the Italian experience is the more relevant comparison for Mexican Americans, and thus should be kept in mind as we consider their place in America today.

**Mexicans by the numbers**

We should begin by being clear about the basic data. In 2002, there were 37.4 million Hispanics in the United States, approximately 13.0 percent of the total population. Twenty-five million were of Mexican origin—two thirds of the Hispanics and about 8.5 percent of the total. The Census of 1970 was the first to separate out the Hispanic population, which was 4.5 percent of the total, with about 3.0 percent of Mexican origin. That could not have been much greater than the mid 1880s after the annexation of Texas and the conquests of the Mexican War. The mass migration began in the 1970s; by 1980, the percentages had nearly doubled, with the rate of increase slowing down to reach the current numbers.

Both the size and the rate of increase concern those worried about “Hispanicization.” But neither is unprecedented. As has been noted, in relative terms the size of the foreign-born population of the United States is substantially smaller than at the height of the immigration at the turn of the twentieth century. And in the middle of the nineteenth century, the Irish population mounted even more rapidly.

Another statistic, while less certain, might be a cause for some disquiet: The Census Bureau projects the His-
panic portion of the population to rise to 24.4 percent by 2050. Applying the two-thirds ratio, that would put the population of Mexican origin at about 16 percent. Since Mexico is the largest and closest source of Hispanic emigrants to the United States, perhaps 20 percent would be a better round number. That figure is unprecedented for a single nation of origin to the United States, although in the 1920s, Jews and Italian Americans together did approach that level. Such an estimate is a sober quantification of the alarmists' fear of a foreign country, across a river and desert rather than an ocean, pumping new people into our comfortable America.

But 20 percent reached in 80 years beginning from the 1970 start of the Hispanic immigration represents neither a large number nor a rapid rate of increase. Although the long-run percentage is higher than for the previous waves, the time to get there approximates or exceeds the time it took for each of the earlier groups to reach an effectively full assimilation. The real issue is whether the Mexicans will take a similar route of assimilating into a society that is simultaneously accommodating them.

Playing politics?

If the influx of Mexicans—or of Latinos, or any other group—were to threaten the basic liberal democratic institutions by which the United States has governed itself since 1789, such a threat would indeed call into question the entire range of policies affecting immigration, assimilation, and citizenship. Fortunately, no such threat exists. Mexican Americans are being absorbed into the political process at similar rates and with similar effects as earlier immigrant groups, and America's political creed and institutions remain as they have been.

Looking first at the congressional statistics, the current House of Representatives has 25 Hispanics, about two thirds of whom are of Mexican background. This means that Mexican-American political assimilation is moving along at a faster rate than that of Jews or Italians in similar periods of time. Entry into the Senate has of course been slower. Aside from New Mexico, a state with a unique
and deep Mexican background, which has elected Mexican-American senators, no Latinos joined the Senate until 2004. In that year, however, Cuban-American Republican Mel Martinez was elected from Florida, a state in which Cuban Americans are far from a majority; he was joined by Mexican-American Democrat Ken Salazar from Colorado, which remains heavily Anglo.

The number of Mexican and other Latino holders of lesser offices suggests that others will follow into the Senate and perhaps national elective offices. Governor Bill Richardson of New Mexico, whose mother was Mexican-American, had been mentioned as a Democratic vice presidential or presidential candidate. California has a Mexican-American lieutenant governor and is on its second Mexican-American speaker of the state assembly. Almost a quarter of the state's legislators—29 of 120—are of Mexican background. In 2001, a Hispanic candidate almost won the mayoralty of Los Angeles; four years later, he and another are challenging the incumbent. As these examples demonstrate, Hispanic involvement in American politics is thus following a perfectly normal pattern for ethnic groups, albeit perhaps a little faster.

If the new Hispanics in power carried with them a radical or separatist political agenda, such rapid penetration could be dangerous. But this is emphatically not the case. Hispanic radicals do exist—occasionally, though less than in the past, one hears of calls for "Aztlan," a separate Mexican America. The mainstream of Hispanic politics is well within the American consensus, somewhat to the right for Florida's Cuban Americans, somewhat to the left for the Mexican Americans of California and Texas. As our newly appointed attorney general Alberto Gonzalez shows, however, none of these groups is monolithic. Gonzalez is a politically conservative Mexican American from Texas. Indeed, the political diversity of Hispanics is borne out by the movement of a significant portion of Hispanic voters toward George W. Bush and the Republican Party in the recent election.

Hispanic politicians do, of course, represent Hispanic views and interests. Mexican Americans are disproportionately poor, so their representatives tend to favor lib-
eral social programs. Other issues are more specifically Hispanic: benefits going to illegal aliens and bilingual education, for example. But Hispanics are not univocal either on specifically “Hispanic causes” or on most other issues. A significant number have been converting from the Catholicism of their birth to evangelical Protestantism. Many of these join in the emphasis given by evangelicals to “moral issues,” as compared to the economic issues that typically motivate people with lower incomes.

**Upward mobility?**

If Mexicans were simply coming to the United States to take advantage of welfare while failing to improve on their meager educations, that too could be a major cause for worry. This is not the case, however, nor do most opponents of immigration claim that it is. While some Mexican immigrants do end up on welfare and many who enter at mature ages do find difficulty in raising their educational levels, the overwhelming motivation for entering the United States is employment. And they and their descendants do understand that education is necessary for all but the lowest-skilled jobs.

Although most of the data show improvement in employment, skills, and education, controversy concerns the rates of improvement. Some believe that progress is too slow or slowing down. Comparisons are made to other immigrant groups: One analyst, for example, complains that “Non-Mexican (working) immigrants have an average wage income of $21,000 a year. Mexican immigrants have an average wage income of $12,000 a year. The typical Mexican immigrant has less than an eighth-grade education.”

Such comparisons to parallel groups of immigrants are close to meaningless, however. Mexican immigrants are from lower socioeconomic strata than the educated Asians whose children do so well, or the middle-class Cubans who have fled Castro. Thirty-five years after the beginning of the mass immigrations at the end of the nineteenth century, the same unfavorable comparisons could
have been made between Jews and Italians. Without a
doubt, Mexicans are more disadvantaged than other con-
temporary entrants. The real comparison, however, should
not be to Asians but to the earlier Italians. The very fact
of continued Mexican improvement implies strongly that
the employment and educational courses of the two groups
are parallel.

History suggests, therefore, that the seeming slowness
of Mexican improvement on these indices should not be
of major concern. And in any case, it is far from estab-
lished that such improvement is slow; the controversy pro-
vides a nice example of difficulties in interpreting statist-
ics. Huntington, for instance, cites an analysis by RAND
Corporation economist James P. Smith. According to Hun-
tington:

Smith’s careful analysis ... presents figures for the adjusted
wage values of Mexican-American men as percentages of
native white men’s lifetime earnings. Those for the third-
generation descendants of Mexicans born in the 1860s were
74.5 percent. The adjusted wage values of third-generation
Mexican-Americans whose immigrant parents were born be-
tween 1910 and 1920 had risen to only about 80 percent....
As with educational levels, the second generation does mark-
edly better than the first, but then progress falters.

But Smith’s own view, in the same document cited by
Huntington, challenges such an interpretation:

The conventional view regarding Hispanic immigrants’ in-
ability to secure a better life for their children and grand-
children has been pessimistic.... These fears are unwarranted:
2nd and 3rd-generation Hispanic men have made great strides
in closing the economic gaps with native whites. The reason
is simple—each successive generation has been able to close
the schooling gap with native whites which then has been
translated into generational progress in incomes.

Smith’s data bear out his contention of generational
convergence. For example, Mexican immigrant men now
in their late forties are 5.59 years of education short of
native American white men; the sons of these immigrants
are only 1.04 years short. Mexicans now in their early
eighties (the most recent for whom two-subsequent-gen-
eration data are available) were 4.05 years short, their sons 1.77 years short, and their grandsons half that at .82 years. Wages followed a similar pattern albeit more slowly: the 40-year-olds earned about two-thirds as much as whites, their sons seven-eighths; the 80-year-olds and their sons improved similarly, but their grandsons gained little over their own fathers. Education is the future. Smith’s data show that Mexican Americans are generally moving forward.

**Ketchup vs. Salsa**

If political and socioeconomic factors look basically promising, the cultural question is more complicated and harder to measure—as it always is. The influx of Mexicans and other Hispanics will in fact change America’s culture. The twenty-first century will differ from the twentieth as the twentieth differed from the nineteenth, and the second half of the nineteenth differed from the first half, when American culture could have been accurately described as “Anglo-Protestant.” Some have mourned each change; some still do.

Mexican Americans have not yet begun to penetrate American “high culture,” nor should that be expected for a while. The Roths and Scorseses, the Yehudi Menuhins and Ezio Pinzas made major contributions at that level only three quarters of a century or so after the beginning of the Jewish and Italian waves. But in more popular culture, Mexicans and other Latinos have already made a deep impression. Food is not a bad initial index. Chains of Mexican food stands and more formal restaurants dot the road and claim their places in shopping malls; the chili-burger is on the menu of most hamburger joints; the taco has become as American as the bagel and the pizza. Sales of salsa outstrip those of ketchup. Similarly, Mexican popular music (also called salsa) and other Latino streams have not only joined into popular music but have changed it.

In religion, Mexicans and other Hispanics are not only changing the face of the Catholic church, but the growing number of Hispanic evangelicals is expanding on the Anglo-Protestant base of that movement (the American roots of
which are of course in part black.) This is an illustration of how immigrants frequently end up not only transforming the culture but reinvigorating older American institutions.

**Two nations?**

Most of the evidence suggests that the mass Mexican immigration is, and is likely to remain, within standard American historical patterns. One unprecedented characteristic of the Mexican ingress is that the nation sending the emigrants is right across the border, easy to cross relative to the oceans traversed by the previous immigrations. The earlier waves reached high tide and then receded; the Mexicans can keep coming. And the numbers they may reach, charge some critics, will bring about a separate cultural-linguistic unit within the United States.

That would indeed be new and dangerous, but is also unlikely to happen. One more demographic projection qualifies the feared 20 to 25 percent of the United States population, and sets the context for the absorption of the new Hispanics. According to researchers Robert Suro and Jeffrey Passel:

As it continues to grow, the composition of the Hispanic population is undergoing a fundamental change. Births in the United States are outpacing immigration as the key source of growth. Over the next twenty years, this will produce an important shift in the makeup of the Hispanic population.

Since 60 percent of the Hispanic population is already native-born, most of the new Hispanics are old Hispanics—American citizens by right of birth—and that proportion will increase at an accelerated pace. That in itself could be cause for alarm rather than comfort; it puts them in a position to seize power in all or part of the country. But, as discussed above, Hispanic political power is converging toward the national mean, not splitting away from it. And the evidence about the American generations of Hispanics is that they too are converging. This is demonstrated along three dimensions, language, intermarriage, and geographical diffusion.

English is the language of the United States. Small (e.g., German) exceptions have been allowed; as new im-
migrants, including but not limited to Hispanics, have been entering in large numbers, transitory exceptions have become relatively frequent more recently (and very unpopular). But if long-run Hispanic enclaves—the equivalent of Quebec's *Parlez français, tous qui entrent!*—were to establish themselves, the critics would have a real point. The bilingual society does not work well in Canada, and would work much worse in the United States. Switzerland is an exception, not the rule.

The United States is in little danger of becoming such a bilingual society, however. Political arguments over a bilingual America frequently center on the issue of bilingual education: Should students not proficient in English be taught in their first language—usually Spanish—as well as English, so that they can keep up in school? Or should they be taught only in English because they will never learn it well enough to live in an English-speaking society if they can fall back on their mother tongues if they want?

The question is a good one; the evidence on whether bilingual or English-only instruction works better is mixed and still coming in. Unfortunately, extremes on both sides have distorted the issue. Many advocates of English-only believe that the real motive of those pushing bilingual education is the preservation of Spanish as an alternative language, and it is true that some bilingual advocates want just that. In the total electorate, the English-only group is much larger, so California and other states have passed referendums dictating English as the sole acceptable language of instruction. The new laws have enough safety valves, however (e.g., parents can request exceptions), that they are not very well enforced, and both types of instruction are frequently used. And because the goal of learning English is so important for Hispanic students and parents, and because the overall evidence is ambiguous, such a mixture seems pragmatically to be the best solution.

In any case, the bilingual education debate is really a symbolic issue. The real question for the America-as-two-nations doomsayers is whether Spanish is becoming an alternate language for large groups of people. The strong
evidence is that it is not. Mexicans and other Hispanic immigrants find English difficult to learn, and stick to Spanish in their families and among themselves, using English with some difficulty when they have to. But the next generations are fluent in both, tending in fact toward English only. Some Hispanic politicians have had to learn Spanish because they never picked up enough to campaign comfortably in Hispanic enclaves.

Observations like these are supplemented and backed up by more quantifiable data: In the first (immigrant) generation of Latinos, 72 percent speak primarily Spanish, 24 percent are bilingual, and only 4 percent are English-dominant. In the second generation, only 7 percent stick to their Spanish, with the remaining 93 percent equally divided between bilingual and English-speaking. The third generation shows statistically zero Spanish-only speakers, with 78 percent being English-only. Among Mexicans and those of Mexican descent living in the United States who have been here less than 10 years, 30 percent are bilingual, 68 percent Spanish-only. For Mexicans in the United States 21 years or more, the numbers had equalized—49 percent bilingual, 46 percent Spanish-only. But among those of Mexican descent who were born in the United States, almost none were Spanish-only; 54 percent were bilingual, 44 percent English only.

To sum up: The evidence shows that Mexicans and other Hispanics, after they come to the United States, move toward the use of English. Among their children born in the United States (who, as noted above, are becoming the predominant group), that direction becomes very powerful. There is no reason this should be surprising. They came for jobs. At the start, the jobs were in the fields and Spanish worked perfectly well; increasingly, the jobs are in manufacturing and the service sector in the cities, where Spanish-only doesn’t work well at all. Economic incentives work very well in this case. Those who worry about America becoming linguistically divided into two nations extrapolate far too much from small controversies about how Hispanic kids can best learn English, arriving at unwarranted fears about whether.
Like the data on language, figures on intermarriage show steady acculturation. About 15 percent of Hispanic-origin husbands have wives of non-Hispanic origin. Since intermarriages are likely to be concentrated among the native-born 60 percent of the Hispanic population, the rate for native Hispanic Americans is likely to be higher, perhaps 25 percent. As noted, 90 years after the beginning of their mass migrations, the intermarriage rate for Jews and Italians was 50 to 60 percent. Hispanics seem to be headed in the same direction. For them, however, as with Irish and Italian Americans, intermarriage will lose definition: What does it mean when an intermarried family intermarries?

Finally, patterns of diffusion demonstrate that the Hispanic population is assimilating rapidly. As border states, California, Arizona, New Mexico, and Texas will remain the entry points for Mexicans. For that reason and because of the already large Hispanic populations and the relatively high birth rates among these populations, Hispanic concentrations are likely to increase.

But the data also show that Hispanics are not sticking together in the old Mexican territories, but are spreading into other more purely Anglo states, particularly the South. In the five years leading up to the Census of 2000, although Hispanics from abroad flowed into all states and regions, with California and Texas leading the rest, internal migration of Hispanics showed a very different pattern. Regionally, the Northeast lost a net 151,000 to other sections, the West lost 161,000; 56,000 of them moved to the Midwest, and an astounding 256,000 moved to the South. Within the South, Texas struck a balance between in- and out-migrants; North Carolina was the biggest gainer with 41,000.

Clearly, Hispanics in the United States are not sticking to themselves in tight Spanish-speaking enclaves, looking inward, walling themselves off against Anglos. Far from it. The dominant language is becoming English at a rapid rate; they are marrying non-Hispanics at a historically predictable rate, and they are diffusing into new regions of the country.
Continuity

The wave of Hispanic immigration that has been taking place for several decades—and that is certain to continue for many more—has changed the United States and will continue to do so. It has changed American culture, as have all the other immigrant waves. Each change has discarded some characteristics valued by some with older roots in America, but immigrants have revitalized other parts of our common culture.

Where those who welcome and those who fear change join together, however, is in the importance they give to the American creed—our Constitution and our democratic institutions. The evidence is that these are in no danger, at least not from Hispanic Americans. Taking a larger view, it is clear that Hispanic immigration is part and parcel of broader American patterns of assimilation and integration. Their story, like that of the Irish, Jews, and Italians before them, is an American story.
What ails health care

DAVID GRATZER

Now are we ready to talk about health care?" asked Senator Hillary Clinton in the title of her New York Times op-ed last year. In fact, have we ever stopped talking about it? Medicare reform, prescription drug costs, the uninsured—these issues are much discussed. No wonder. A decade after Senate Majority Leader George Mitchell declared HillaryCare dead, polls suggest that Americans are more worried than ever about their health insurance. In a Market Strategies poll, 86 percent of people expressed deep concerns about rising costs and six out of ten regarded the likelihood of bankruptcy due to major illness as a serious problem.

That health care remains a major issue, though, is not due to a lack of effort on the part of American politicians, with bold efforts made to reform health care at the state and national levels. Washington expanded Medicare’s scope and Medicaid’s reach. The statehouses have worked furiously to help the insured and uninsured alike. And the
The health-care industry itself has gone through a massive reorganization, embracing managed care as a panacea and then rejecting it as a poison.

And, at the end of the day, we seem no further ahead than when Americans elected Governor Bill Clinton to the White House with a promise of health-care reform. Many of the problems remain the same: middle class angst, millions without insurance, double-digit spending increases. In fact, the situation has worsened: Health spending is at a historic high, consuming 15 percent of GDP. More Americans are without insurance. And those with insurance carry a greater burden—the typical worker now pays $750 more per year for insurance than just three years ago.

If the problems are familiar, so are the solutions proposed. While the grand design of the Clinton White House went unrealized, some type of national effort appears increasingly inviting. Just this summer, the National Coalition on Health Care, a bipartisan organization chaired by former Presidents Bush and Ford, announced support for a universal coverage scheme that would centralize key health decisions to a government committee. It’s not that the coalition, comprised of big businesses like General Electric and AT&T, as well as union interests, holds a big-government bias. Rather, it’s that the status quo appears untenable. So we’re returning to the debates of the last decade: HillaryCare.

Perhaps that’s not surprising. While the American health-care system has gone through much “reform,” relatively little of its overall economics has changed. Reform, thus, has largely been an exercise in shifting costs from payer to patient, from insurance plan to hospital, from hospital to physician, from uninsured to insured. Since the 1970s, much has been made of the idea of managing care—but really, these have been exercises in managing cost. For most Americans, the end result has been less control over basic health-care decisions, a prescription for universal dissatisfaction.

If we really want to address the system’s shortcomings—to tame health inflation and broaden coverage—a new approach is needed. We must recognize that the structure of American health care is flawed, and we must seek
to address this by giving people more control over their own health care.

**Third-party payership**

In other sectors of the economy, costs fall with time. Think of agriculture or transportation—areas that, like health care, have been transformed by technology and innovation. But the advancement of medical science has, curiously, not followed the trend. Indeed, progress means greater expense. Year after year, health spending rises—from 5 percent of GDP in 1960 to triple that today. So accepted is this phenomenon that few pause to ask why health care has grown so much more expensive over the years.

The central problem is the way Americans pay for their care. Rather than paying directly, most people get their health insurance from their employers. Someone else foots the bill. Our employers don’t pay directly for other basic needs, like food, clothing, or shelter. So how did this odd financing arrangement develop for health care, and why does it remain? The answer can be found in the tax code.

Tax and health policies are intimately linked. Consider that the biggest event to shape American health insurance occurred on October 26, 1943. Given the importance of that date, some may think that Congress passed a major piece of legislation, or that the Supreme Court decided a landmark case. Actually, the date marks a special ruling on health benefits by the Internal Revenue Service, declaring that employees would not be taxed on premiums paid on their behalf by their employers. Simply put, the IRS ruled that health benefits are tax free.

The IRS didn’t make this ruling out of the blue. Two years earlier, in 1941, the FDR administration had imposed wage and price controls as part of the war effort. The effects of price controls are well remembered—for instance, a black market for gasoline quickly developed. Wage controls also produced unintended consequences as employers sought ways to provide workers with competitive salaries without violating the law. Across America, employers found their answer in health benefits. The IRS ruling legitimized the practice.
Today, most Americans receive their health insurance through their employers. No wonder—historically, it has made sense for firms to offer health benefits, and lots of them do. If an employer offers his employee a raise of $1,000 a month, after income and payroll tax, the employee will probably take home $600. But if the employer offers $1,000 more of health benefits, the employee gets every dollar’s worth. It’s not surprising, then, that many company plans offer sunglasses, massage therapy, and marital counseling. These aren’t essential ingredients for wellness; they represent disguised income. “This loophole in the tax system has done tremendous harm,” suggests economist Milton Friedman. “It has caused the medical care industry to develop in an inefficient and unnatural way.”

Public insurances—Medicare and Medicaid—were also shaped by the 1940s. It was then that the British conceived and designed their National Health Service, a zero-dollar deductible insurance. It took the United States a couple of decades to implement its own public coverage, with principles based on the British experience. Thus, for the most part America’s elderly and poor also pay little out of pocket for covered health services.

The resulting accidental system is fraught with problems. For one thing, health insurance covers just about everything. Usually, insurance covers people for rare and unforeseen events. Car insurance, for example, helps in the event of a major accident—but not for filling the car with gas after a long Sunday drive or replacing worn brake pads. In contrast, health coverage kicks in when people get an annual physical exam or routine blood work. Indeed, between private and public coverage, Americans are overinsured, paying pennies on the dollar. By 2003, out-of-pocket expenses—the amount not covered by public and private insurance—accounted for just 14 cents on every health dollar spent in the United States. That figure included dentistry and allied health professions, like physiotherapy. American health care, thus, came to be dominated by third-party payment.

The implications for cost were quite direct. As Nelson Sabatini, twice Maryland’s Secretary of Health and Mental Hygiene, would reflect in 2004: “Using health care in
this country is like shopping with someone else’s credit card.” American patients did not have to think twice before demanding expensive tests or procedures. Because they paid so little for their health care themselves, they had little incentive to economize. They had no reason to think twice about seeing a specialist or getting an expensive test.

When health care had been relatively inexpensive—in 1950, per capita spending was just $500 per year, adjusting for inflation—overinsurance was unproblematic. But as medicine advanced, developing in an environment unconstrained by cost, employers began to feel the bite. They were directly invested in the health cost of their employees, and those costs were exploding. By 1970, health spending per capita had tripled. The generous benefits that companies had agreed to give their workers had become an overwhelming commitment. By decade’s end, an executive at General Motors noted that Blue Cross Blue Shield had become a bigger supplier to the company than U.S. Steel. In 1989, a Robert Wood Johnson Foundation survey found that 60 percent of corporate executives labeled health costs a “major concern” and 35 percent called them a “top concern.”

It was clear that health insurance needed to be rethought. By 1993, health care had ballooned to 13.7 percent of GDP. Business and government would no longer write blank checks. The federal government had already started to rein in Medicare and Medicaid by creating de facto price controls on most doctor and hospital bills. The Congressional Budget Office feared the worst: Costs, the actuaries projected, would continue to rise until spending hit 18.9 percent of GDP by the end of the decade. Some employers dropped coverage for their employees. Everyone looked for a new way of managing health benefits, one that would place cost before individual needs.

The rise of managed care ...

By the mid 1990s, health maintenance organizations (HMOs) were widely seen to offer a solution. They would attack wasteful spending by a variety of means, such as
requiring tests, prescriptions, and procedures to be pre-approved by someone other than the patient or her doctor.

HMOs were a new take on an old idea. The concept of managed care actually originated in the fraternal orders and lodges of the end of the nineteenth century. Many of these organizations had already offered their membership life insurance, and health care seemed a natural extension. In exchange for an annual fee, physicians provided service. By the early twentieth century, these contracts came under assault from organized medicine. In part out of blatant self-interest, in part out of genuine concern, physicians fretted over the poor standards of their prepaid colleagues. Some experimentation with prepayment continued (in Washington and Oregon, for example), but the practice faded.

In the late 1930s, the idea gained a new lease on life. Sidney Garfield, a California physician, approached the industrialist Henry Kaiser with an offer. He and his group of physicians would cover Kaiser’s Los Angeles construction workers for a set amount, five cents a day. Kaiser accepted. With success in the City of Angels, Kaiser extended the deal to his workers in Washington state. For the employer, prepaid health care offered predictable costs, and physicians felt that patients benefited.

When the Second World War broke out, Kaiser’s shipyards swelled with people—as did the enrollees in this first large-scale HMO. When the war ended, however, the shipyards slowed. Kaiser decided to offer the plan to the public, and the Kaiser health plans were born.

Managed care, however, was anything but a stellar success. With under four million members in 1970, HMOs appeared to be just a “West Coast thing.” But the Kaiser concept had an important booster in Washington: President Richard Nixon. With pressure for national health insurance, coupled with rising costs, Nixon felt that he needed to do something on health care. HMOs—never previously considered a Republican idea—appealed to the president and his aides, offering a middle ground between the unfettered market and the socialistic plans of liberal Democrats like Wilbur Mills. Nixon made HMOs the center-
piece of his health strategy and set an ambitious goal: enrolling 90 percent of Americans in managed care within the decade.

Congressional enthusiasm was more tempered but did eventually cement around the HMO Act of 1973. The legislation counted Senator Ted Kennedy as one of its chief proponents. To facilitate the start-up and expansion of HMOs, the act offered an interesting mix of deregulation and regulation: It overrode state laws that had restricted the development of HMOs but also required any company with 25 or more employees to offer two HMO plans as part of its benefits package. And Washington gave a remarkable incentive for companies entering the HMO business: $1.6 billion (adjusted for inflation) in grants and loans.

White House support for HMOs continued after Nixon resigned. In the late 1970s, pushed by the White House, Congress again moved, amending the HMO Act to further subsidize managed care. But while Washington was keen on HMOs, the rest of the country was more hesitant: In 1980, total enrollment was only 10 million.

Rising health costs changed that. In a few short years, employers would completely rethink the way they offered health benefits. In 1988, three quarters of American workers with employer-sponsored health insurance were covered by traditional (indemnity) plans; by the end of the 1990s, those indemnity plans represented only 14 percent of the market. By 1998, HMO enrollment had soared to 79 million—an eightfold increase in eighteen years.

The attraction of managed care in general, and HMOs in particular, was clear. HMOs held down costs with a variety of techniques, such as paying family doctors not to refer patients to specialists and utilization reviews of medical practices. To eke out even greater savings, HMOs used their enormous buying power to push hospitals for discounts. For a health-care industry used to the tranquility of indemnity plans—send a bill to the insurance company, get a check back with no questions asked—HMOs represented a perfect storm.

As a cost-saving system, managed care was a smashing success. By the late 1990s, health spending was increas-
ing by slightly less than the overall growth of the economy, leaving expenditures at about 13 percent of GDP, amounting to $300 billion less than the Congressional Budget Office's projection. For every privately insured American, that translated into savings of $2,000 a year. In the private insurance market, where managed care had the greatest impact, premiums remained relatively stable in the mid- to late 1990s. Private health spending per capita grew at a meager rate (just 2 percent, for instance, in 1996). Through much of the mid 1990s, hospital spending actually dropped. In 1997, for instance, it fell 5.3 percent.

... and its fall

Managed care, it seemed, was a miracle cure. In 1995, House Republicans, under the leadership of Speaker Newt Gingrich, even suggested that HMOs would help rein in the cost of Medicare and Medicaid. The Republican plan won applause from, among others, Vermont Governor Howard Dean. Rarely had an idea been so widely embraced. Despite these measurable successes, however, a backlash was brewing.

HMOs were set up to control costs, and they did. But did patients suffer as a result? Where once critics had suggested that American health care was indifferent to cost, they now asserted that it was insensitive to quality. Many in the media found examples to illustrate the point. Perhaps the best publicized case of HMO denial involved Nelene Fox, a 38-year-old California woman sick with breast cancer. In 1992, she tried to get coverage for a bone-marrow transplant. Her HMO denied the claim. Fox died a short time after—and her grieving family sued, winning a landmark judgment of $89 million. The Fox case, though, seemed to be just the tip of the iceberg. In the 1997 movie As Good As It Gets, a single mother broke into profanity when her HMO was mentioned. Many theatergoers burst into sympathetic applause.

Americans had come to despise managed care. In a 2004 Gallup poll asking people to rank the ethical standards of different professions, HMO managers ranked second-last, behind journalists and politicians, and ahead
(barely) of car salesmen. Politicians naturally took note. After winning the 2004 New Hampshire primary, for example, Senator John Kerry declared: "I’m running for President to free our government from the dominance of the lobbyists, the drug industry, big oil, and HMOs—so that we can give America back its future and its soul."

How much of the criticism of managed care was justified—and how much was mere rhetoric? In his book on managed care, *The Economic Evolution of American Health Care*, David Dranove, a professor at Northwestern University’s Kellogg Graduate School of Management, exhaustively reviewed the literature, and cited several large-scale studies. In a 1996 study, Fred Hellinger reviewed the published literature on HMO quality, and found few measurable differences between managed care and indemnity insurance. A review by Robert Miller and Harold Luft of 35 studies published between 1993 and 1997 found that "fears that HMOs uniformly lead to worse quality of care are not supported by the evidence.... Hopes that HMOs would improve overall quality also are not supported." A 1998 Johns Hopkins University review of cardiovascular care concluded that "the HMOs studied provided as good, and in some cases better, quality than the non-HMO settings studied."

The evidence collated by Dranove was overwhelming. "Each month’s new studies generally confirm what many have already concluded," he wrote, "namely, that the quality of care in [managed care] is comparable to that under traditional indemnity insurance."

Even the famous Fox case was worth a second look. Yes, Fox wanted a bone-marrow transplant and, yes, she did succumb to cancer, but important details have often been overlooked. Fox actually did get the bone-marrow transplant; she just relied on charity support to finance it. But bone-marrow transplantation for breast cancer has never been shown to be useful, and, a decade later, no oncologist would recommend it.

But if the negative perceptions about HMOs were not always grounded in reality, those perceptions nevertheless began to shape and change reality. By the late 1990s,
HMOs were on the wane. Between 1997 and 2000, enrollment in cities like Miami and Seattle, once hotbeds of managed care, had dropped by as much as 25 percent. Of course, managed care had not disappeared. By 2004, HMO enrollment, though down 12 percent since the late 1990s, still stood at 70 million. Indemnity plans, once the standard for health insurance, accounted for less than 5 percent of employer-sponsored health insurance. Preferred provider organizations (PPOs) and other types of managed care covered most of working America and their families. But no one was looking to HMOs as the solution for America’s health care woes.

Why HMOs failed

HMOs had faced a stunning consumer rebellion. The idea of being told what tests to get or which hospital to go to was seen as absurd and offensive. As Michael DeBakey, a pioneering heart surgeon and director of the DeBakey Heart Center at the Baylor College of Medicine, puts it, “We would not allow an unqualified clerk to recommend repairs for our car, so why would we settle for one when it comes to our own health?” That comment isn’t quite fair. As the health outcome data suggests, HMOs were hardly run by unqualified managers making arbitrary, reckless decisions. But the public outcry, the threat of litigation from trial lawyers, and state regulations restricting their ability to operate all forced insurance companies away from managed care.

To Americans, HMOs represented a loss of autonomy. In contrast to vastly more mundane choices—which car to buy or which pizzeria to order dinner from—Americans discovered that when it came to health matters, someone else made the decisions. Consumerism—demanding the services or goods you want, when you want them, at the lowest possible price—is relatively new to medicine. Traditionally, patients have done what they were told to do. But today, people increasingly approach health care with a consumerist impulse. Consider health information: According to a 2002 Harris poll, some 110 million American adults surf the Internet for medical advice. And the rest
of us glean information from a plethora of sources. Bookstores teem with volumes about health and wellness; national newspapers dedicate whole sections to health issues; TV shows focus on exercise and diet. In an age of consumerism, managed care is an unworkable idea.

Thus, after the collapse of the managed-care gambit, the future of American health care looks increasingly unclear. Since Nixon's embrace of HMOs, the debate has been between two different visions: national insurance and managed care. For the most part, from Wilbur Mills to Hillary Clinton, Democrats have spent the last four decades promoting some version of the former; from Richard Nixon to Bob Dole, Republicans have favored the latter. As both visions are fundamentally paternalistic, neither appears especially compelling.

From MSA to HSA

Today, a state of confusion reigns, as people can agree on their dislike for the past system but are unsure of how to proceed. Many Americans are now enrolled in "managed-care-lite." In some ways, it's a case of back-to-the-future. Without the discipline of HMOs, double-digit premium increases have returned with the ensuing problems: employers balking at costs and dropping coverage (or holding wages), and more Americans going without insurance. Managed care has collapsed. But is it possible to contain health spending without the paternalism Americans resent? Health care driven by the choices and priorities of consumers offers an alternative.

The most basic problem with American health care is that Americans don't really pay for the health care they receive. How to address this? The beginning of wisdom may be found in the musings of two economists. In 1974, Jesse Hixson and Paul Worthington in the Social Security Administration developed the idea of "health banks." With traditional (indemnity) insurance and HMOs, Americans were overinsured and thus insulated from the consequences of their health-care decisions. Hixson and Worthington proposed an alternative: Employers would deposit money for health care directly into the savings accounts of em-
ployees at specially chartered health banks. For smaller expenses, employees could then draw on their accounts; for catastrophic events, the bank would pool multiple deposits and thus be able to offer loans if an employee’s account was insufficient to cover the medical bills.

Hixson went on to work for the American Medical Association, eventually becoming its principal economist. He continued to promote the idea of involving employees more in health decisions. He found a supporter in John Goodman at the National Center for Policy Analysis in Dallas. Goodman was initially excited by the prospect of using individual accounts—modified IRAs—to reform Medicare. He developed the idea further and, in 1990, organized a task force with representatives from the worlds of academia, think tanks, and business. Drawing on the task force’s report, Goodman then wrote Patient Power with economist Gerald Musgrave in 1992. The idea was simple: Employees would get tax-free dollars to purchase health care for smaller expenses but would have a high-deductible insurance for catastrophic events. Third-party payership, thus, would cover only catastrophic events, bringing the bulk of decisions to individuals.

Patient Power is a long, detailed book, spanning nearly 700 pages. The book doesn’t just comment on employer-sponsored insurance, it covers a smattering of other topics: Canadian health care, the need for rural medical enterprise zones, and challenges for the individual health insurance market, to name a few. It uses technical jargon and a plethora of statistics. All things considered, Patient Power hardly seems like a bestseller—and yet incredibly, it was, selling over 300,000 copies. Pat Rooney, a businessman, heard Gerald Musgrave give a lecture and became a convert. Rooney offered medical savings accounts (MSAs) to his employees at Golden Rule Insurance. Impressed by the popularity of this type of health insurance, he began marketing it to other companies. Rooney and Goodman worked tirelessly to promote MSAs, popularizing the concept.

If MSAs were gaining purchase in the imagination of America’s polity, the business world remained unconvinced. Golden Rule Insurance sold plans to small employers, while
a few big companies, like Quaker Oats and Forbes, offered MSA plans to their employees. But these efforts were limited by tax law. Unlike employer-paid premiums, MSA deposits were subject to income and payroll taxes, and unspent funds could not be rolled over.

Fortunately, on Capitol Hill interest in MSAs was robust. Republican Congressman Bill Archer, then chairman of the House Ways and Means Committee, championed the idea and favored a tax-code change. Working with Democratic Congressman Andy Jacobs, Archer amended the Kennedy-Kassebaum bill of 1996 to include a provision making MSAs tax free for the self-employed and small businesses. MSAs were a Washington answer to the mess of American health care. MSAs offered a clear alternative to the paternalism of managed care—people would be literally empowered with health dollars. Conservatives enthused that MSAs would change everything; liberals fretted MSAs might just do that. But for all the debate and discussion, it would be difficult to think of another health-reform initiative that affected so few. MSAs were doomed from their creation.

The legislation was just too limiting. The 1996 legislation restricted MSAs to small employers (those with fewer than 50 employees) and individuals, and was overly rigid as to the way MSAs must be structured. Making the situation worse. MSAs were approved as an “experiment,” lasting just four years. Congress capped enrollment at 750,000 people; fewer than 100,000 signed up. Congress extended the experiment, but MSAs were a flop.

In 2003, Congress made a second effort. As a last-minute addition to the Medicare Modernization Act, aimed at gaining the support of congressional conservatives, House Ways and Means Chairman Bill Thomas added provisions creating Health Savings Accounts (HSAs). Unlike MSAs, HSAs are freer in structure and, more importantly, permanent. Anyone—mom-and-pop operations, large corporations, individuals—can set up a health savings account. HSAs marry real insurance (that is, coverage for high and unpredictable costs) with contributions to a savings account that can be used to pay for smaller health expenses and “rolled over” from year to year. HSA cover-
age, thus, is built on two components: a high deductible health insurance and a personal savings account. High deductible is defined as at least $1,000 for individuals and $2,000 for families. With regard to the account, up to $2,600 for individuals or $5,150 for families per year can be deposited, or the value of their deductibles, whichever is less.

For companies and individuals looking to avoid high-cost health insurance, HSAs are immediately attractive. Writing in the Wall Street Journal, Harvard economist Martin Feldstein notes that a typical Blue Cross of California family policy costs $8,460, with a $500 deductible per member. But a similar HSA policy costs just $3,936, with a $2,500 deductible—in other words, the difference in savings ($4,524) actually exceeds the maximum additional out-of-pocket expense that the family would face if they reached the maximum deductible. The HSA approach results in great savings, by giving people incentive to think twice about where and how they spend their health dollars. It also appeals to Americans’ desire to make their own decisions, especially in a matter so important as health.

**Making HSAs work**

Architecturally, the glass visage of the Texas Heart Institute is stunning. But what’s really amazing is the care that goes on inside. Focused on cardiology and cardiac surgery, the Texas Heart Institute delivers care at half the cost of some academic centers. The institute, incidentally, attracts the most complex cases and boasts solid outcomes. The specialization, in other words, pays off—the Texas Heart Institute has drawn national and international attention. U.S. News & World Report ranks the institute in the top 10 American hospitals for cardiac care. Harvard Business School professor Michael Porter routinely cites the Texas center as an example of health-care innovation. The Texas Heart Institute represents a significant break from the traditional hospital, which attempts to offer everything for everybody. In an age of consumerism, the Texas Heart Institute would seem to be a model.

Except that Congress doesn’t see it that way. The Medicare Modernization Act of 2003 includes an 18-month
moratorium on the building of specialty hospitals. And, as a recent joint Federal Trade Commission–Department of Justice report suggests, state laws also undermine the establishment of such specialty hospitals. Even if Congress doesn’t extend the moratorium, it seems unlikely that the facilities will ever be established in more than seven or eight states. And herein lies the basic problem with health savings accounts: Government has spent five decades undermining choice and competition in health care.

Americans view health care as a sector of the economy that is largely untouched by government. In fact, the opposite is true—health care is riddled with laws and regulations that govern financing, billing, and basic practice. "The U.S. health care system, while among the most ‘market oriented’ in the industrialized world," observes University of Rochester economist Charles Phelps, "remains the most intensively regulated sector of the U.S. economy." But here’s the problem with the surfeit of rules: HSAs will never flourish as long as the heavy hand of government weighs down on the sector.

Let’s start with insurance options. Many states have regulated health insurance so extensively that even basic plans are prohibitively expensive. A leading online insurance brokerage, eHealthInsurance, recently compared the cost of a standard family insurance policy ($2,000 deductible with a 20 percent co-pay) across the nation’s 50 largest cities, involving some 4,000 insurance plans and 140 insurance companies. The results are startling. A non-employer-based family policy for four in Kansas City, Missouri, costs about $170 per month, while similar coverage in Boston tops more than $750 a month.

As noted above by Feldstein, health savings accounts are like a low-cost alternative to more comprehensive insurance. Except that in several states (Rhode Island and Hawaii) regulatory restrictions have hindered their availability; in other states (like New York and New Jersey), regulations drive up the cost of an HSA. Deregulation of state insurance requirements—which Congress could easily do by allowing out-of-state insurance purchases—would mean that all Americans have the opportunity to buy basic, no-frills plans.
Over the years, Medicare’s administrators have written more than 100,000 pages of rules governing clinics, hospitals, and physicians. The resulting mountain of paperwork means that time and energy is lost on bureaucratic compliance instead of patient care. The American Hospital Association estimates that for every hour spent on patient care, hospitals must spend more than an hour completing paperwork for Medicare. Because some Medicare regulations require that they be applied to non-Medicare patients, the regulatory excess colors the care (and cost) of all patients. Cutting the red tape is the key.

As noted above, between state and federal ownership laws, hospitals are the only game in town for many surgeries and procedures. As an alternative, Congress can free providers to form specialty clinics, challenging hospital monopolies, and allowing innovation in the delivery of care. Addressing the regulatory burden would be a thankless task. Middle America isn’t exactly fretting about, say, the specialty hospital moratorium. But Washington needs to make HSAs work.

Up from paternalism?

American medicine has accomplished amazing things in the past few decades. Our researchers have won more Nobel Prizes in medicine since 1975 than nationals from all other countries combined. When Health Affairs listed the ten greatest innovations in medical technology, eight of them were made in America. These results have had an impact: The health of Americans has improved steadily over the decades.

Ironically, though, neither patients nor doctors are satisfied with health care in America. Perhaps that isn’t surprising. We have struggled to push the square peg of modern medicine through the round hole of a 1940s concept of health insurance. American health care is paternalistic and top-down in an age of autonomy, choice, and consumerism. Health savings accounts offer an alternative.

Let’s be clear: HSAs will not single-handedly change the way Americans think about or receive health care. But HSAs are critically important. They may help change the way employers, employees, and providers—indeed, all Americans—view health care.
The media we deserve

MARK BLITZ

The media in the United States have been under close scrutiny since at least the Vietnam War. People began to notice that journalists did not merely report events, but shaped them and our attitude toward them. Television was especially praised or blamed for galvanizing opposition to the war. It was then that Vice President Spiro Agnew began the conservative attack on the press, which made his eventual downfall such a pleasure for liberal journalists everywhere. And the problem of media bias has not gone away with time. Charges were made after the 2000 presidential race that television networks prematurely declared their favorite—Al Gore—the winner. During the 2004 campaign, CBS anchor Dan Rather gave air time to obviously concocted documents that were meant to harm President Bush's cam-

This article is adapted from the author's book Duty Bound: Responsibility and American Public Life (Rowman & Littlefield, 2005).
paign. Today, three quarters of Americans say that reporters show political bias: 50 percent believe it to be a liberal bias, 25 percent a conservative one.

If the media do not merely report but also mold public opinion and even shape events, we inevitably begin to wonder how they should exercise their influence properly. The question of their public responsibility becomes an important and pressing one. Because that question is both so broad and so vague, it can be hard to know where to begin. Perhaps it is best to start by considering our current views of, and expectations for, the media. From there, one can consider wider issues of the media's role in our liberal democracy and journalists' responsibilities.

The new class

The scrutiny the media have undergone for the past generation has lead to a number of propositions—or discoveries, one could say—about it. Taken together these beliefs form the backdrop of how we think about the media and its place in our public life.

One prominent discovery is that, in the United States at least, elite journalists belong to what passes these days for an intellectual class. They resemble novelists, professors, and consultants. The typical journalist of 50 to 100 years ago was more likely to resemble a private detective, often a dishonest private detective, than an academic who loves to bury himself in research warrens. Back then, one thought of journalists as hard-boiled, part of the lower- and lower-middle-class culture of local politicians, prostitutes, and policemen. These days, the typical national journalist is likely to convey the mushy concerns of upper-middle-class angst: “Hard boiled” is about the last thing one would think of calling the pampered products of our suburban high schools and pastoral colleges. Today’s journalists may be a bit more cynical and shameless than their other well educated friends, but they are basically nice guys, not toughs.

Where they differ from lawyers, physicians, and bankers, and resemble professors, not only in their work but also in their views, is in their politics, which are to the
left of other Americans, even well educated ones. Polls show regularly that national journalists identify themselves as liberals more frequently than do members of the general public (34 percent to 20 percent in Pew's latest survey), and much less frequently as conservatives (7 percent to 33 percent in the same poll). They also have views on "value" issues to the left of, or at least more secular than, most Americans. Fifty-eight percent of the general public, but only 6 percent of national journalists in the Pew survey, think that it is necessary to believe in God in order to be moral. Finding a God-fearing conservative in a national newsroom would be nearly as unlikely as locating one in an Ivy League faculty club.

Debates rage about whether these facts lead to bias in reporting. Looking from the right, the bias is clear, especially when one considers the sneering tones of the New York Times, the Washington Post, the three major networks, and National Public Radio, a special bête noir of conservatives. This evidence is not limited to impressions, or to books such as Bernard Goldberg's Bias and Arrogance. David Brady and Jonathan Ma of Stanford, for example, have shown that from 1990 to 2002 the New York Times and Washington Post labeled the ten most conservative senators as "conservative" two to three times more often than they designated the most liberal ones as "liberal." These papers frequently called the conservatives "belligerent" and "unyielding," while the liberals were generally described as "icons," "stalwarts," and "party spokesmen." Those on the Left take a different view, pointing out how journalists more or less fell in line with the Bush administration after September 11, 2001. Liberals also make the point that journalists work for publishers and owners more conservative than they. In any event, whatever the truth about media bias generally (and conservatives for now have the better empirical evidence), most agree about the pervasive liberalism of elite American journalists.

A finding related to the discovery of a new class of leading journalists is that Washington-based television reporters form a class of their own. They tend to come from better schools and make more money than their fellows. The Poynter Institute reports that while only 58 percent of
journalists in 1971 had graduated from college, nearly 90 percent of them in 2002 had college degrees. Everyone in the media these days seems to be becoming the liberal intellectual type, but the Washington reporter even more so.

That's entertainment?

If journalists form a new class that closely resembles our academic elite, they are also different in several key respects. To begin with, today's media share increasingly close ties to the entertainment industry. Television anchors and major reporters are stars who are paid huge salaries and attract the attention of gossips. Their personal lives are scrutinized constantly. Their professional lives are governed by popularity and likeability, not authority and respectability. They host and appear on shows the purpose of which is less to report the news than to make it. They write and edit in ways that merge the techniques of fiction with reporting, and of upscale cinema with prosaic newsreels. The news and entertainment divisions of the major networks increasingly are intermingled; sometimes they are run by the same executives, often working on the same stories or products. The gulf between serious journalism and frivolous trash is now crossed with surprising ease. What started as a glorification of Woodward and Bernstein's reporting on Watergate has resulted in the increasing identification of the National Enquirer and the New York Times.

The media's link to entertainment reminds us that it is a business, and like any business its most basic motive is profit. Many in the media, of course, lament this fact. Not a day used to go by in the United States without some graybeard lamenting the disappearing local newspapers or praising a responsible old hanger-on in Florida or Arkansas. Hardly a day goes by today without hand-wringing about media conglomerates. Afternoon newspapers in America are increasingly rare because they do not make a profit and because national chains (and national newspapers) are replacing them. The result, so the proposition goes, is that bland information displaces both charming idiosyncrasy and careful attention to local political events.
This, for instance, was former Chicago Tribune editor James Squires’s point in his book Read All About It.

As it happens, “the media” is also a business in tremendous flux. Despite media conglomerates and the decline in the influence of print, news outlets as a whole are increasing. Cable television, talk radio, and Internet websites allow people constant access to more and more sources. Perhaps this leads to welcome variety. Perhaps instead, it allows us to concentrate only on narrow concerns and points of view. Conventional wisdom leans toward the second view, but no one is as yet certain. In any event, although television and its images remain powerful, and although the effect of the Internet as a medium is still undetermined, choices are increasing, and the dominance of the three networks is declining.

But if the media are a business primarily, they are also a rather peculiar one, guided by their own internal demands and codes of conduct. For example, whatever their politics (or their business interests in the most narrow sense), reporters and editors are likely to let the imperatives of an interesting story govern their selection and presentation of facts. They remain passionately interested in “scoops.” They cannot wait for an election to end before announcing the winner—hence, they have invented “exit polls.” They cannot cover stories, especially political stories, except by reporting who is winning and who is losing, who is up and who is down. They are unable to sniff political rumors without soon sneezing uncontrollably into print. This proclivity often overcomes the media’s generally liberal views and allegiances. President Bill Clinton did not receive the unreservedly negative coverage the Right believed he deserved, but he hardly received the unvarnished praise he coveted.

The serious media also consider themselves to be “adversarial,” always on the lookout for failure and corruption, always ready to defend citizens from their own representatives. The media are not part of “the team”; they see themselves as outsiders. When a television network or newspaper departs from this adversarial posture (as many did during the Gulf and Iraq wars) media watchdogs will be sure to condemn the offending party. The
media may even condemn itself. CNN's chief international correspondent Christiane Amanpour, for example, has claimed that the press muzzled itself in Iraq, and her claim has been widely discussed by her peers. The New York Times, last May, critically examined what it now believes to be its overly credulous reporting about the existence of weapons of mass destruction in Iraq in the years immediately preceding the 2003 Iraq war.

Media ethics

In these ways the media act more as a "profession," if a rather undefined one, than as a mere business. And thus questions of responsibility and ethics are not ignored.

Most major newspapers have ombudsmen; even the New York Times has one now. Indeed, the American press has become the greatest set of self-flagellants since the heyday of monasticism. No convention of Freudians can rival its orgies of self-analysis. Each time the press revealed something in the ongoing Clinton scandals that Bill Clinton would have preferred remain hidden, for example, it doubled its pleasure by telling on itself. Clearly, many in the media elite liked (and still like) Clinton, in whom they recognized themselves. Clearly as well, most decry the blurring of the difference between serious newspapers and scandal sheets, and the endless televised repetition of petty but "symbolic" events that has fueled political coverage from Edmund Muskie's teardrop in 1972 (or was it a snowdrop melting on his cheek?) through Howard Dean's Iowa rant of 2004 (or was it only an effort to reinvigorate his losing team?). Most of all, everyone seems to believe that the media are discharging poorly their responsibility to help the electorate choose intelligently. Politicians, after all, can talk to the people only through the media, and whether this is good (because it sometimes deflects demagogic immediacy) or bad (because it allows any Perotian, Sharptonesque, or Buchananoid demagogue to bypass constitutional forms), it means that the media are politically important.

Despite all their analyses, however, today's media masters do not know what their responsibility is or how to
live up to it. In fact, their understanding usually is still couched in terms of the people's "right to know," so that discussions of privacy and publicity that arise about politicians such as Gary Condit are little different from those one hears about Michael Jackson. But we at least have discovered the media think that they should be responsible, whatever this may mean to them.

**Postmodern problems**

A few further observations should be made about today's media. As Marshall McLuhan observed, the medium may indeed sometimes be the message. Although we talk of "the media," we believe television affects us one way, but radio and print another—and the Internet still another. Whether we are dealing with news or commentary, print clearly allows stories to be conveyed through reasoned reflection more easily than does television. The drumbeat of repetition that elevates one kidnapping, murder, or even contested presidential election to the status of national obsession can more easily be avoided in print than on the screen. The notion that what counts is what is said and how well it is said, but not the mechanism through which it is said, seems oddly quaint nowadays. What in fact counts is what makes an impact, and whatever makes an impact gets through in the same way—the jarring repeated image and its associated "sound bite"—whatever its real meaning or truth. Even when television attempts discussion, short bursts of clashing opinion end up drowning out reflective conversation.

The opinion that the medium often is the message is connected to another proposition, that there is no objective truth to be reported in any event, or that as a practical matter it is impossible to discern even if it exists. It is said that all but the simplest facts make sense only within a context, and that this context is created by the questions editors and reporters choose to emphasize. The result determines not only the meaning of facts, but even which items in the passing flow can be recognized as facts in the first place. This notion of the relativity of facts is so powerful that even federal district judges in the case of
Masson v. New Yorker Magazine seriously entertained the view that putting quotation marks around statements that were not actually said can add to the truth of a story, not detract from it.

**The free press**

It may seem heretical to ask, but why do we allow such a flawed private institution as the media such immense power to shape public opinion? Why are the media so little regulated? This leeway is unusual in most other countries, even in the democratic West. The answer, in America at least, is our wish to develop and preserve large areas of private or social power. Government is not constrained by individuals alone but by a flourishing business sector and a strong press. But why do we want government to be constrained? We desire this in order to preserve our freedom.

Such freedom depends on several conditions, including sufficient wealth, education, and enlightenment. But also not to be overlooked is the place of responsibility. We understand responsibility today in terms of guilt and accountability. But the term, first used in the modern sense toward the end of the eighteenth century, more fundamentally means something else. It is primarily a disposition or virtue. It reminds us of duty, but is not in fact quite the same. Duties are given and defined by faith, family, and tradition; responsibilities are tasks we take on freely. Responsibility is the disposition to execute effectively the tasks one takes on, now that so much that we do is voluntary. Because liberty cannot be successfully secured or exercised without it, cultivating responsibility is a basic goal of liberal democracy.

The control of possibly oppressive government, however, cannot occur only through isolated individual actions. Certain structures and institutions are needed as well. One mechanism is free elections; another is competition, not just within government but in most areas of life. Constructing and forming competitive businesses and institutions affords an important scope for responsible freedom.
Seen in this light, concentration of media ownership and homogeneity of reporters and editors is indeed undesirable, not just because it restricts political debate but primarily because concentration limits competition and the freedom that is its by-product. The chief way in which the media check political power is less through what they say and more by providing a place for the exercise of responsibility. Thus, whatever enhances innovative entrepreneurship in the media is good. But there is more to the media's political responsibility than each outlet's doing its job effectively. A responsible media is one that fulfills common tasks that they no more than others are obliged to undertake; such an ideal media would freely assume responsibility for the community as a whole. To put it simply: They take it upon themselves to act in the public interest.

The price of influence

Is there any capacity for some in the media to assume such a large responsibility? To begin with, we should recognize that anyone can attempt to make a living by selling to others what purports to be news. There is no reason to restrict these opportunities, given that control of government requires more dispersion of power, not less. Who could say with certainty that things would be better without talk radio? Some might complain it contributes to hysteria and incivility; but perhaps it also calls to account politicians whom others in the media do not want to call to account.

One might argue that thinking about the press as a business inevitably means that everyone will seek the lowest common denominator in order to make the most money. But, in fact, some always choose to sell to an exclusive clientele. Perhaps it is easier to profit from this clientele once one gets the hang of it. More to the point, not everyone seeks to sell as much as possible to the widest possible audience, because it is not profit alone but also power and control—freedom and responsibility—that motivate free men in a free society. As long as some see that speaking to intelligent citizens and owning and operating
institutions that influence these citizens gives one special significance, there is no need to decry each and every vulgarity in the media business.

It is primarily the "significant" media—those who seek influence with wealthy, powerful, and educated citizens, papers such as the New York Times, Washington Post and Wall Street Journal—that attempt to exercise responsibility beyond simply running their own business. As we often say, such papers try to set the tone. This means that they limit what they might otherwise do in the light of considerations that are not instant and immediate. They try to shape what counts as news generally by choosing what is fit to print in their own papers. Obviously, they do not do this in a vacuum, because they take some guidance from their audience. But they still need to decide for themselves. By choosing to emphasize some things—say, national affairs and high culture—and ignoring or downplaying others—say, rumors about the sex lives of political candidates—they seek to define, at least for a while, what counts as respectable.

A cynic might say that in doing this they preserve their business franchise, by, as it were, inducing others who wish to influence an exclusive audience to play a game with rules they do not control. But they also forego the pleasures and profit that come from being less serious. They choose to be responsible in the wide sense by placing themselves within, and paying attention to, broad civic concerns.

The true journalistic art

If it is possible for the significant media (or others) to be responsible in the way I am suggesting—and the current state of our media certainly leaves plenty of room for skepticism—how should they exercise this responsibility? The media's unique responsibility involves the fact that citizens and politicians need knowledge of affairs in order to do their jobs well. The job of a representative is to deliberate about the common good and seek to bring it about, within the competitive, entrepreneurial atmosphere of American politics. Informed and reflective public opin-
ion guides both representatives’ deliberation and citizens’ thoughts about who deserves their vote. The media’s fullest responsibility is to provide the kind of knowledge, the “news,” we need for deliberation. The public job of the media is not only to convey the information that a particular audience seems to want but to provide knowledge that appeals as much as possible to the head, not the heart.

To perform this task, a responsible journalist should set things in context and explain them intelligently, so that, for example, he describes today’s bombing in Israel or Iraq in light of an increasing or decreasing movement toward safety and stability, or looks at the importance of “values” in the recent election in light of a thoughtful sense of the current status of Americans’ religious beliefs. The responsible journalist should attempt to transform the reader’s immediate response into a pattern of thoughtful consideration, rather than the pattern devised by Republican or Democratic talking points.

That a responsible journalist must decide what is important and put things in context is not a license to engage in eccentric interpretation, or a demonstration of the impossibility of objectivity. Instead, it is merely a reason to observe the ordinary injunction in practical affairs to know something of background and motives in order to comprehend a particular event. Indeed, one can often enough assume a shared context (a journalist does not need to tell us why destroying the World Trade Center is horrible) or provide context merely by reporting the speeches or other explanations of officials and participants. Paying attention to these explanations is part of what separates responsible journalists from others. Nonetheless, one sometimes must go beyond what is said and implicitly assumed: Merely to convey and never to reflect is the way of Pravda or the house journal of the plastics industry.

The need for reflection also means that the responsible media err when they consider it their proper task to be government’s adversary. Rather, the media belong to the mechanisms that keep the people and the government at a proper distance from each other. To set in context, to
decline to take at face value what obviously is not given at face value, and to provide time for deliberation are all ways that the media help to secure the common good. A responsible journalist should question much that a government official tells him about how and why a decision is made. But to distrust, often on principle, is to mistake the media’s necessary role in questioning for mere adversarial criticism. A responsible journalist should not decide too quickly that the government’s stated reasons for going to war are a lie (or decide too quickly that even sincere reasons are well-founded.) The danger in being merely adversarial is that the media exacerbate popular contempt for government (and for themselves) and do not think through the consequences of this contempt. This is the height of irresponsibility, not responsibility.

**Aristocracy in a democracy**

Some in the media do sometimes exercise this broader responsibility, if not nearly as often and as consistently as they should. But why is it necessary that anyone take such responsibility upon himself? And if it is necessary, what conditions make such public responsibility most likely?

If robust competition in the media were sufficient, the explicit assumption of public responsibility would be unnecessary. However, it is naïve to assume that the accidents of competition will usually prove so benign. We make no such assumption about other professions, such as the law, which could not be useful without judges; or about individuals, whose economic and other competition is bounded by rules and regulations. We recognize generally that some citizens must be explicitly responsible for common interests, because even a responsible private life does not automatically guarantee public benefits.

There is no reason to think that things are different with the media, and that their public responsibility will be met sufficiently when each outlet seeks the greatest profit in a minimally law-abiding way. Reporters, editors, and publishers usually attempt to satisfy only the immediate political concerns of their audiences, and therefore fall
short because their political coverage is meager or their need to be narrow and partisan makes it difficult for them to be thoughtful and reflective. In too many cases, there is a disjunction between a media outlet’s political task and its financial or entrepreneurial success. A rough balance among competing views that interpret the facts tendentiously, moreover, is not the same as looking at matters rationally and deliberately.

Not everyone in the media can or should accept public responsibility to the same degree; to demand as much would be to level responsibility by treating it as something that everyone can accomplish more or less easily. But some should accept it fully. We cannot guarantee that anyone will do this, however, because such a guarantee would detract from the whole notion of what it means to be responsible. Nor can we be certain that to accept responsibility means to exercise it well. Institutions such as the *New York Times* are in an especially good position to assume public responsibilities, because of their self-interest in dealing with an influential audience and the habits they have acquired over the years in taking the long view. The *New York Times*, *Washington Post*, and *Wall Street Journal* are, in a sense, quasi-aristocratic institutions. The ever present possibility of falling short, however, is why we are so concerned when such papers renege on their responsibility.

Anyone, of course, is free to ignore the example set by such quasi-aristocratic institutions, although their professional influence and important audience might shame others into following them. And, of course, anyone is free to try to supplement or supplant them. It is precisely those in the media who wish to take on such public responsibility who begin to define themselves as serious. If they are successful, they are able to break what might seem to be the irritating monopoly of the elect.

I may sum up my argument by saying that politically responsible journalism means asking: What does a practically intelligent legislator or executive who is engaged in deliberation about ways and means—not a curious gossip—need to know? By seeing things from the public-spirited point of view, the media would go a long way
toward ameliorating many of its more harmful excesses. The most politically responsible in the media, those who establish this horizon of public responsibility, will also stand a good chance of being financially responsible, because they will win and hold an influential audience. Anyone is free to join their ranks, or to expose their partisanship masquerading as responsibility, or to compete by being politically one-sided. Still others can follow their lead by addressing important political stories to the most thoughtful in their standard audience, in this way elevating their entire audience. Competition is crucial, of course. But unless certain media institutions take it upon themselves to be politically responsible, our public life will be diminished.
SECOND THOUGHTS

Rethinking the population problem

NICHOLAS EBERSTADT

I FIRST met Lord Péter Tamás Bauer (1917–2002) in October 1977, five years before the already eminent professor was made a life peer for his pioneering contributions to the field of development economics. For me, this was a fateful encounter, a milestone on an entirely unexpected intellectual journey.

At the time, I was 21—and, as anyone who knew me way back then can attest, I was very Left. One of my first courses at the London School of Economics that semester was “The Economic Analysis of Underdeveloped Areas,” co-taught by Bauer and Professor Hla Myint. To put the matter plainly: Bauer was an absolutely infuriating professor. At his lectures, he would deliver long and pro-

This essay is adapted from a talk delivered for the meeting “How Does Development Happen? A Conference in Tribute to Péter Bauer,” hosted by the James Madison Program at Princeton University in May, 2004.
vocative presentations that I knew to be wrong: completely wrong, deeply wrong, obviously wrong.

The only problem was that I couldn’t figure out how to prove they were wrong. Bauer would typically end his lectures with an invitation of sorts: “Now I will entertain any question—no matter how hostile.” I used up my lifetime supply of those invitations in fairly short order. Then I was faced with a dilemma: Either I had to come up with new facts, or get new opinions. Unfortunately, I simply was not able to find the necessary new facts.

Bauer the professor, in short, set me up for my downfall. But my road to ruin was further paved by Bauer the man. Péter Bauer was blessed with an absolute and extraordinary generosity of spirit. In my particular case, he went far beyond the call of his official duties in his efforts to help a wrongheaded American student to think a little more clearly.

I remember fondly his many kindnesses, though I did not fully understand at the time how utterly unusual those were in university life on either side of the Atlantic. The wide-ranging chats, at his instigation, in or around his LSE office: Bauer’s erudition and acuity were dazzling to me, and he could be screechingly funny when he chose. Then there were the invitations to Saturday lunches at which some respected policy opinion of the day was devastatingly dissected, always with ample quantities of alcohol, and often with the assistance of interesting new acquaintances.

Shortly before the end of my studies at LSE, Peter invited me out for a farewell. In the course of our conversation, he came around to the issue of my “worldview.” Smiling mischievously, he said, “I suspect you are at a point that we describe in economics as ‘unstable equilibrium.’” Of course, he was right, and it’s been downhill—or depending on how one looks at it, uphill—ever since.

The new Malthusians

Bauer is perhaps best remembered today for his trailblazing studies on the workings of markets in low-income countries; for his trenchant analysis of the shortcomings
of "development planning"; and, of course, for his devastating critique of the modern worldwide convention we call "foreign aid." Yet if any small part of Bauer's opus is representative of his unique combination of towering intellect, healthy skepticism, and engaging wit, it is surely his assessment of the "population problem"—that is, the "population explosion" and its consequences for living standards and development prospects, especially in low-income areas. Here one sees not only his great qualities as a thinker but also the elegance and persistence with which he communicated his ideas.

Bauer did not have much to say about the population question until his 1981 book *Equality, the Third World, and Economic Delusion*. There he delivered a chapter-length essay titled "The Population Explosion: Myths and Realities." In the introduction to that volume, Bauer wrote, "The central theme of this book is the conspicuous and disconcerting hiatus between accepted opinion and evident reality in major areas of academic and public economic discourse." Though he only came to address population issues after three decades of renowned work on other topics, he demonstrated that disjuncture to be every bit as striking as in his other, already acclaimed, areas of economic inquiry.

In order to appreciate the significance of Bauer's contribution to the population literature, it is first important to recall the climate of academic and public policy discourse on the population question at the time Bauer was writing. By the late 1970s and early 1980s, a worldwide network of activist anti-natal organizations—including private foundations, bilateral foreign aid agencies, multilateral institutions like the United Nations family and the World Bank, and a host of recipient groups the world over—were making the case that rapid population growth was having deleterious, or even disastrous, effects in low-income areas, and perhaps even on the world as a whole. Poverty, unemployment, hunger, and social strife were just some of the afflictions the "population explosion" was said to be visiting on a hapless planet.

Anti-natal policies had also been widely embraced—in principle or in practice—by rich and poor governments
alike, and a great many eminent personages were warning of the risks of not pursuing even more aggressive policies for curbing planetary population growth. Paul Ehrlich—Stanford University biology professor, acknowledged authority on the population patterns of butterflies, and author of the best-seller *The Population Bomb*—flatly stated that “the battle to feed all of humanity is over,” meaning we had lost. Robert McNamara, then-president of the World Bank (and in an earlier incarnation the progenitor of the doctrine of “mutually assured destruction”), insisted that “the threat of unmanageable population pressures is very much like the threat of nuclear war,” and identified what he termed “rampant population growth” as “the greatest single obstacle to the economic and social advancement of the peoples in the underdeveloped world.”

It was not only sometime lepidopterists and practitioners of what we might today term “systems engineering for profit and victory” who held such views. Similar positions were embraced by respected and even eminent voices within the economics profession. Indeed, no less an authority than James E. Meade (1907–1995), the Cambridge don who would go on to win the 1977 Nobel Prize in Economics, had inspected the situation in Mauritius—the island nation off the coast of Africa—in 1961, and discovered there a Malthusian tragedy in the making. Surveying that country’s population profile and development prospects, Meade wrote that

> for demographic reasons, it is going to be a great achievement if Mauritius can find productive employment for her greatly increased population [in the years ahead] without a serious reduction in the existing average standard of living (emphasis added).

A more detailed but no less gloomy elaboration of the same argument was offered by that esteemed Princeton economist and mathematical demographer, the late Ansley J. Coale—who, with his “Coale-Hoover model,” purported to show that higher birth rates almost necessarily slow the pace of material advance in low-income countries striving to escape from poverty. The acclaimed and highly influential Coale-Hoover model—taught to me and every other
student of population economics back in the 1970s—carefully calculated how much wealth and productivity would be sacrificed (literally eaten up!) by societies where resources were thrown away on extra babies rather than husbanded for investment and growth.

Bauer, of course, would have none of this. He was a deeply educated man; unlike many in the population field, he was intimately familiar with history, literature, and culture from many diverse climes. Thanks to that grounding, he knew the doctrine of modern-day anti-natalism (or "neo-Malthusianism") to be patently ahistorical.

Bauer’s essay in his 1981 book begins by reviewing some obvious, but often neglected, facts about poverty and development in the modern era. Many areas of the world—Western Europe and North America—had risen to prosperity despite rapid, or even exceptionally rapid, rates of population increase. Some of these newly affluent locales, moreover, had achieved their wealth despite not only dramatic increases in population, but a manifest scarcity of arable land and a lack of other "natural" resources (think of Japan or Hong Kong). Conversely, he reminded his readers, dreadful poverty could be seen today in many parts of the modern world where land and other resources have been abundant, and where population density has been and is quite low (large parts of Central Africa, among other places).

Bauer then moved on to his central critique of the modern anti-natalist doctrine. In his words:

The predictions of doom through population growth rest on the idea that economic achievement, progress and welfare all depend primarily on natural resources, supplemented by physical capital.... This neo-Malthusian notion is then supplemented by the very non-Malthusian idea that people in LDCs [less developed countries] have no will of their own and are simply passive victims of external forces: in the absence of Western-dictated pressures, people in the less developed world would procreate heedless of consequences.

With this thesis, Bauer scored a direct and devastating hit. Then, as often, he took his time strolling through the rest of his essay, dismantling at leisure those remaining
or subsidiary objections that might be lodged against his argument.

The limits of econometrics

At the time of Bauer's essay, demographic-economic "growth models" dominated much of the educated discussion of the population question and population policy. Bauer was never a devotee of econometrics, nor was he ever awed by complex and elegant mathematical models. In fact, in his work, he was always sparing in his use of statistics, possibly because he regarded the wanton introduction of quantitative data as a sign of intellectual laxity, if not just plain bad form. He preferred to do his economic analysis with words—and it was with words that he took the measure of, and dispatched, the profession's prevailing econometric models of rapid population growth.

Bauer recognized the critical weakness of those models to be their particular conception of "capital," and their presumption that this same "capital," embodied as "investment," was both the driving engine and the limiting constraint in the process of modern economic growth. (His insights here may have been abetted by the important fact that he was trained as an economist in Cambridge, England rather than Cambridge, Massachusetts.)

This crabbed conception of "capital" was critically flawed, as even superficial inspection might attest. Would reduced mortality and improved health conduce to expanding the potential for productivity and growth? The answer was clearly "yes"—but longer lives and better health did not count in these models. What about improved nutrition and education? Didn't these quantities promote development? In practice, perhaps, but not in theory—these were classified as "consumption," not "investment," in the basic models of the day. What about greater opportunities for trade, reduced barriers to movement, or increased scope for the exchange of ideas and information? Wouldn't these sorts of factors have an influence on growth and development? Only in the real world, I'm afraid—not in the "growth models" that purported to depict it.

Reflecting on the fundamental misconceptions built into
these efforts at modeling—a set of intellectual inadequacies that he had referred to elsewhere as “the investment fetish”—Bauer had this to say:

The volume of investible funds is in any case a minor factor in economic development. *Much capital formation takes forms more closely analogous to consumer durables than to instruments for increasing production and promoting further economic growth* (emphasis added). It is unwarranted, further, to assume that the governments of the LDCs in question would use investible funds more wisely if they did not have to use them to provide for an expanding population. The investment record of many Third World governments has been deplorable.

In these four sentences, Péter demolished roughly a generation of seemingly sophisticated econometric constructs. No less important, he offered an alternative—and more genuinely sophisticated—conception of the development process to which population forces contribute. Not bad work for half a paragraph—even for Bauer.

**The people behind “development”**

Much of the anti-natal and neo-Malthusian literature reveals an appalling ignorance about real human beings—especially poor ones. Bauer, on the other hand, paid close attention to human beings. He even realized that human beings mattered in development.

This is evident from what he had to say about the nostrums he encountered in the population policy literature:

Much of the discussion of population in the development literature assumes or implies that in the high-fertility LDCs children are somehow uncontrollably visited upon their parents, and that they are to a large extent unwanted burdens on both the parents and on society at large. On the contrary, however, the children who are born are generally desired. Children are at any rate avoidable. To deny this is to suggest that parents in LDCs procreate without an understanding of the consequences or without the will or sense of responsibility to prevent them. This view treats people of the less developed world with altogether unwarranted condescension or contempt.
Here again is Bauer on population patterns and the human condition:

It is sometimes suggested that high birth rates in LDCs, especially among the poorest, result in life so wretched as not to be worth living: over a person’s life suffering or disutility exceeds utility. If this were so, fewer such lives would increase the sum total of human happiness today.

Such arguments are not exactly unfamiliar—even today. But Bauer goes on:

This type of reasoning, which implies that external observers are the appropriate judges of the moral and emotional status of others, was often heard in the late nineteenth century and early twentieth century in discussions of the conditions of the poor in Britain. It is inconsistent with both simple observation and with widely accepted ethical notions. Even when people are poor they prefer to live rather than not to live, as is indeed shown by their decision to strive to remain among the living. This is not to say that their lives may not be unhappy, but merely that it is not legitimate to suppose that their lives are not worth living.

Invidious comparisons, I would add, could also be drawn with the concept of “lebensunwertes Lebens” (“lives not worth living”) that enjoyed a certain currency in another part of Europe in the first half of the twentieth century. But in his argumentation Bauer, while always ruthlessly honest, was also always a gentleman, and in this case was far too polite to point out such an unseemly fact. He was not at heart a polemicist, but rather, throughout his life’s work, a fierce and uncompromising defender of the project to “extend the range of human choice.”

A question of externalities?

Of the many arguments adduced for anti-natal policy, perhaps the most sophisticated are those couched in the language of “externalities.” These are the formulations that hold public action to reduce birth rates to be necessary owing to purported discrepancies between the public and private costs of childbearing.

Bauer addressed such objections expressly—and conclusively—in *Equality, the Third World, and Economic Delusion:*
According to this argument ... taxpayers subsidize parents. Consequently the total number of children is greater than if parents themselves had to bear all or a larger part of the costs.

These effects are likely to be more material in the developed than the less developed countries because the public expenditures involved are less significant in the latter. However, the remedy lies in the reduction of these expenditures, or modification of their incidence so that parents of larger families are not so heavily subsidized. Further, the presence of some of these externalities does not depend upon family size. For instance, while a small family may be subsidized by the taxpayers if the children receive publicly financed university education, a much larger family may not be so subsidized if the parents bear the cost of their school education.

Interestingly enough, though advocates of anti-natal measures habitually invoke the notion of economic externalities—especially as a means of closing down debate about their preferred policies and approaches—exceedingly little empirical work has actually been undertaken to determine the true magnitudes of those allegedly ominous divergences between the public and private costs of childbearing.

There is, however, a path-breaking empirical study in this area—one conducted by the redoubtable economic demographer, Berkeley’s Ron Lee and his colleague Tim Miller in 1990. By their estimations, the economic externalities associated with childbearing in the United States (1985) were strongly positive, while the externalities for Bangladesh (1980) and Kenya (1986)—countries often portrayed as virtual case studies of “the population problem”—were very close to zero. Substantial negative externalities were indeed reckoned for some low-income, high-fertility countries, such as Saudi Arabia (1986) and India (1981)—but those outcomes were due entirely to the presumed dilution through additional births of the average claim to the country’s underground repositories of mineral wealth. Subsequent work has refined the initial calculations of Lee and Miller, but it has not dramatically altered the results. So much, indeed, for “externalities” and the population question.


Theory meets reality

In retrospect, what can one say about Péter Bauer's assessment of the population question? To begin, one can acknowledge that from an intellectual standpoint—here as in so many other once hotly contested areas of economic analysis—Bauer has largely won the argument, and is widely recognized as having done so.

In this particular struggle, of course, Bauer was not alone—nor was he obviously the most important voice. The signal contribution to clearer economic thinking from other luminaries must also be noted—among them, Simon S. Kuznets, Theodore W. Schultz, and Julian L. Simon. Academic and policy thought about the population question was also subtly but significantly influenced by a 1986 study from the U.S. National Academy of Sciences on population and development, which held that the negative effects of population growth on productivity and growth had been seriously exaggerated in much of the demographic and development literature.

The changing intellectual tide was also affected by political events, most notably the Reagan-Thatcher conjunction. With this alignment, the most important governments in the English-speaking world came to treat anti-natal Malthusianism, or neo-Malthusianism, for the doctrinaire nonsense it was. One should never underestimate the salutary impact that a government can have on public thinking simply by ceasing to spout nonsense on some given topic.

No less important, however, were the facts on the ground. Over the past two decades, brute empirics have forced a gradual recognition that considerable material progress was indeed occurring in most of the low-income expanse, often despite relatively high birth rates or rates of natural increase. Sub-Saharan Africa, to be sure, remains a tragic and terrible exception to that generalization, but it is just that: an exception.

Since Bauer wrote on the population question, a shift in anti-natal argumentation has been evident. Generally speaking, advocates have moved away from traditional Malthusianism or neo-Malthusianism, and have come instead to embrace what might be termed "environmental
Malthusianism.” No longer is the argument that population growth will un-tether the Horsemen of the Apocalypse simplicatur, but instead that rising demands upon the planetary ecosystem will result in catastrophic overshoot and collapse of the natural global systems that sustain us all. By itself, this argument should be seen as at least inherently plausible, and thus should be taken seriously. But to be taken seriously, it must be investigated empirically—and this is self-evidently a more complex and demanding proposition than the erstwhile Malthusian task of calculating the per capita availability of, say, bread.

In retreating to the parapets of “eco-disaster,” anti-natal Malthusianism has adopted what Sir Karl Popper would have called defensive “immunizing tactics or stratagems” for protecting the cherished doctrine against testability—and thus against possible falsification. Bauer might have likened the approach to a “hydra-headed rationalization”—a device he had elsewhere identified and described in the hands of convinced proponents of foreign aid.

**What population bomb?**

In hindsight, finally, one must acknowledge that there is one area in which Lord Bauer’s consideration of the population question proved to be wrong. Looking to the future, Bauer wrote that

the unambiguous prediction can be made with some confidence that over the next decade or two the rate of population growth of the less developed world is unlikely to fall significantly below 2%, and may for some years continue in the region of 2.5%. The only circumstances likely to upset rough estimates would be a huge increase in mortality as a result of a series of catastrophes, or a dramatic reduction of fertility as a result of sudden, rapid and pervasive Westernization of much of the less developed world. The occurrence of either development is exceedingly improbable, and the first would in any case be accompanied by other cataclysmic changes.

While as yet we cannot hope for precise and exacting information on current population trends for low-income areas—most of these places lack comprehensive and accu-
rate vital registration systems—the projections by the U.S. Census Bureau are perfectly serviceable: "good enough for government work," as they used to say, meaning "as sound as we need." According to the Census Bureau, for 2004, the projected rate of natural increase for the less developed countries as a whole is under 1.4 percent per annum. For Latin America and the Caribbean, the envisioned rate would be 1.4 percent; for all of Asia, just under 1.2 percent. Even in sub-Saharan Africa, the pace is thought to be about 2.1 percent—and while the pace there has been slowed by the catastrophic epidemic of HIV/AIDS, even without AIDS deaths the subcontinent's demographic tempo would likely not be much above 2.5 percent these days.

We live today in a different demographic environment from the one Bauer anticipated. Iran and Brazil and Tunisia are all replacement-fertility societies—at most. Thailand, Vietnam, and China, and even the teeming Indian city of Calcutta, are today all sub-replacement fertility venues.

Bauer quite rightly anticipated the central role that changes in parental attitudes would play in bringing about fertility decline in low-income areas. But neither Bauer nor many other prescient observers could anticipate the astonishing speed and force of this change as it has unfolded in the intervening years.

One last loose end: What about Mauritius? In 1961, when Professor Meade was ruminating on that island's grim Malthusian prospects, per capita output was—by Angus Maddison's reckoning—about $3,300 per year in constant international 1990 dollars (inflation-adjusted, and accounting for cross-border differences in purchasing power). Forty years later, it was put at over $11,000 per person. In the interim, per capita output had increased almost 3.5-fold—averaging 3 percent per annum, a pace rather faster than for the United States or Western Europe over the same period.

It's a good thing, I guess, that ordinary Mauritians hadn't heard about James Meade, or Robert McNamara, or the other great Western anti-natal advocates. Fortunately
for them, in an irony Lord Bauer himself would have especially enjoyed, all those poor Mauritians didn't know that what they were about to do was theoretically impossible.
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Enlightenments, modest and otherwise

GEORGE WEIGEL

TWENTY-FOUR HOURS after the 2004 election, Garry Wills, who has been known to write sensible things on occasion, came apart at the seams. In a New York Times op-ed titled "The Day the Enlightenment Went Out," Wills bemoaned an America in which more people "believe in the Virgin Birth than in Darwin’s theory of evolution." He then went on to characterize the United States today as a land beset by "fundamentalist zeal," "rage at secularity," "religious intolerance," and "fear and hatred of modernity"—qualities that Americans often ascribe to their unenlightened and premodern Islamist enemies. Whatever their source, Wills concluded, "Jihads are scary things. It is not too early to start yearning back toward the Enlightenment."

Wills' jeremiad undoubtedly read well in Europe, where, for the previous two years, a raucous debate over the preamble to the new European constitutional treaty had pitted "the Enlightenment" against religious conviction. Listing the sources of contemporary Europe’s commitments to human rights and democracy, the drafters of the Euro-constitution cited the classical heritage of Greece and Rome and then, well, the Enlightenment, thus summarily airbrushing 1,500 years of Christian history from the historical picture. Despite protests from some governments and several impassioned pleas from Pope John Paul II, the paladins of the Enlightenment carried the day, and a European constitutional treaty of some 70,000 words could not, in the name of "the Enlightenment," make room for one word, "Christianity."

All of which rather proves the point made in the very last sentence of Gertrude Himmelfarb’s latest book: "We are, in fact, still floundering in the veracities and fallacies, the assumptions and convictions, about human nature, society, and the polity that exercised the British
moral philosophers, the French *philosophes*, and the American Founders.” By styling her book *The Roads to Modernity,* Himmelfarb signals her revisionist intentions clearly: There was not one Enlightenment (Garry Wills and today’s European hyper-secularists notwithstanding), and any attempt to reduce the Enlightenment to its French embodiment is historically fallacious and intellectually sterile. Moreover, Himmelfarb insists, it was the British, not the French, who rate the title of “progenitor” of the Enlightenment, not simply in its seventeenth-century antecedents (Bacon, Locke, Newton) but in the eighteenth century itself—historical turf long claimed by France as its own.

Himmelfarb’s concern, however, is not simply to establish the chronological priority of the British form of the Enlightenment, but, as she puts it, “to establish its unique character and historic importance,” which lay in the sphere of social morality. While the French trumpeted the virtues of reason, the British Enlightenment emphasized the reasonableness of virtue. The French Enlightenment was driven by a passion for the abstract, which was likely one reason for its lethal afterburn in the French Revolution and the Terror. By contrast, the British Enlightenment stressed the social virtues of compassion, benevolence, and sympathy. The results, in the actual playing-out of history, were, to put it gently, noticeable.

Throughout her discussion of the British Enlightenment—by far the most thorough section in the book—Himmelfarb insists that the British social philosophers aimed at an “Enlightenment *within* piety,” not an Enlightenment *against* religious conviction. Thus Edmund Burke’s avowal that (as Himmelfarb puts it) “religion itself, and religious dissent most noticeably, was the very basis of liberty—of all liberty, not only religious liberty” would find social expression in John Wesley’s Methodist “Enlightenment for the common man.” By ameliorating the disruptions of a newly modernizing society, this movement of moral and social reform helped prevent the sanguinary upheavals that destroyed the ancien régime (and so much else) across the Channel. Religious conviction and modernization went together in Britain, as did religious establishment and (a considerable degree of) religious tolerance. Some might

† Knopf. 290 pp. $25.00.
suggest that such seeming contradictions are another example of the British penchant for "muddling through." Himmelfarb sees instead a superior form of the Enlightenment: not so contemptuous of tradition as the French, evolutionary rather than revolutionary, empirical rather than abstract, stressing what Adam Smith called "fellow-feeling" over fraternité as conceived by intellectuals.

Although Himmelfarb is far too polite to say it, The Roads to Modernity demonstrates yet again that the French Revolution was the world's first experiment in totalitarianism—an experiment prepared, in the realm of ideas, by anti-democratic philosophes. Rousseau and Voltaire were unabashed elitists. The former hadn't much use for the family and proposed that the state educate children in the "general will," such that "a child, on opening his eyes, should see his country, and until he dies he should see nothing but his country." At the root of the French Enlightenment—both its elitism and its statism—however, lay its Christophobia—its virulent bias against religion in general and Christianity in particular. As Himmelfarb writes:

The argument kept coming back to this—the great enemy, l'infâme. The people were ineducable because they were unenlightened. They were unenlightened because they were incapable of the kind of reason that the philosophes took to be the essence of enlightenment. And they were incapable of reason because they were mired in the prejudices and superstitions, the miracles and barbarities, of religion.

Yet in one of the many ironies of the French Enlightenment, the reason there was a "reading public for the Encyclopédie," that quintessential product of the philosophes, was because of Church schools that had taught the lower classes to read—schools "for which the philosophes had such contempt."

All in all it was a mess, this form of Enlightenment that Garry Wills and contemporary European secularists seem to imagine to be the only "Enlightenment" rightly understood. The philosophes imagined themselves to be creating a more humane world; yet, excepting Turgot, French intellectuals were not, as Himmelfarb notes, "personally involved in benevolent enterprises or practical reforms." When "reason" trumped benevolence, conceptually and practi-
cally, the net result was that benevolence itself came to be seen as a weakness—another aspect of *l'infâme* to be eradicated.

Himmelfarb deftly reminds us of one of the profound differences between the French and American Enlightenments by noting the difference between thinkers who lived in a world of abstractions and thinkers who were also men of action. The American Founders, most of whom had some practical experience of government and the give-and-take of democratic politics, were concerned to build a stable politics of liberty, and they produced the world’s most enduring constitution and the first truly modern republic. The French exponents of Enlightenment, who with rare exceptions had little experience of public responsibility and virtually no experience of “the people,” were concerned with the idea of liberté, and produced lethal political chaos. By the same token, it’s worth noting, with Himmelfarb, that the *Encyclopédie*, the chief literary ornament of the French Enlightenment, has “never been reprinted and only selected articles have been translated.” By contrast, *The Federalist*, a more modest enterprise that nonetheless encapsulates critical aspects of the American Enlightenment, has “never gone out of print, has been widely translated (most recently into Hebrew), and [its] principles and arguments continue to be cited, not only in the United States but also by democracies and aspiring democracies abroad.”

As in the contrast between the British and French Enlightenments, Himmelfarb underscores the profound difference between the French Enlightenment and the American Enlightenment on the subject of religion and its relationship to freedom. The American Founders, she reminds us, “did not look upon religion as the enemy of liberty”; but “neither did the churches look upon liberty as the enemy of religion” (a position perhaps easier for American Christian communities to adopt because they weren’t being persecuted by the state, as in post-1789 France). In America, unlike Europe, religion, reason, and science had grown up together. Cotton Mather, Himmelfarb notes, was the “first native-born American to be named a fellow of the Royal Society.” Jonathan Edwards had similar scientific inclinations, and Benjamin Rush was both a scientist and an evangelical Protestant. Given this experience, John Adams’s
famous comment on the radically secularist enthusiasms of the French Revolution—"I know not what to make of a republic of thirty million atheists"—was not only the product of personal conviction, shaped by generations of New England piety, but the result of experience.

Did the American Founders appreciate religious conviction solely because of its social utility? Perhaps some did (although others surely did not). But even here, Himmelfarb insists, more was going on than those who remain fixated on the surface level of history concede:

To look upon religion as the ultimate source of morality, and hence of a good society and a sound polity, is not demeaning to religion. On the contrary, it pays religion—and God—the great tribute of being essential to the welfare of mankind. And it does credit to man as well, who is deemed capable of subordinating his lower nature to his higher, of venerating and giving obeisance to something above himself.

That sentiment led to the American Revolution's relative modesty. It aimed at a politics of liberty, while the French Revolution sought the wholesale reconstitution of humanity. The United States Constitution, Himmelfarb avers, did not promise a "perfect Union," but only a "more perfect Union," an improvement on what had gone before. "The British moral philosophers," she writes, "would have endorsed that modest sentiment. The French philosophes, aspiring to be philosophical legislators, might not have done so." The evidence she marshals suggests it is less a question of "might not" than of "would not."

THE Roads to Modernity is intellectual history of the first order: deep learning married to elegant style. Yet it would be a shame if this fine book were thought to be only that, an exercise in intellectual antiquarianism. The rift between Europe and America today—the great family argument within what we have come to know as "the West"—is not, in the final analysis, a mere matter of divergent policies. It is a matter of different experiences of modernity, which have in turn generated dramatically different political cultures. By re-establishing the priority of the British Enlightenment and tracing its impact on the American Enlightenment, Himmelfarb provides a powerful counter-argument to the claim that the French form of Enlightenment—rationalist, secularist, statist—is the only form of "Enlightenment" on offer.
This is an important lesson for the new democracies of central and eastern Europe, as they are more closely incorporated into a European Union that emphasizes secularism, statism, and the elitist rule of judges and bureaucracies. It is also a crucial lesson to be re-learned in an America where “red” states and “blue” states mirror, in striking ways, the difference between the British and American Enlightenments on the one hand and the French Enlightenment on the other. It may even hold a lesson for how we think about the prospects of democracy in the Middle East. The roads to modernity are many and complex. Some, however, have more potholes than others.
Missing moms, kids in crisis

JEAN BETHKE ELSHTAIN

MARY EBERSTADT'S pull-no-punches book *Home- Alone America: The Hidden Toll of Day Care, Behavioral Drugs, and Other Parent Substitutes*† is bound to stir memories for those of us who have been on the front lines of the family debates. In my own case, there are certain images and old conversations that really bring the debate home. I recall a little boy, age three, whose mother taught full time at the university where I had been invited to lecture. His father taught at another university over 500 miles away, so he saw his dad only on weekends. As it happened, I was a guest of the family, and witnessed firsthand a sad, but all too widespread, spectacle. The boy was in day care five days a week, ten hours a day, and his mother was perplexed.

“Every morning it’s the same thing,” she confided in me.

I struggle to get him up. He cries during breakfast. We go to his day care, and he grabs me and screams “no” til the day-care counselors peel him off me so I can go to work. He apparently sleeps away much of the day, and then at night I can’t get him to bed until 11 p.m. I don’t know what’s wrong.

I did. To any outside observer it was pretty obvious what was happening. The little boy missed his mom.

Another conversation comes to mind, this one with a radical feminist who was outraged by something I had written. My argument, she insisted, was hopelessly and haplessly behind the times (the 1970s). With the discovery of antibiotics, mothers had been replaced by penicillin, she told me. As I hadn’t heard this one before, I challenged her. How can medicines to cure certain infections replace mothers? Easy, came the riposte, because the only

† Sentinel. 218 pp. $25.95.
point, really, of mothers historically was to help sick children survive so a certain population level could be maintained. Hello wonder drugs, and good-bye mom! Her anti-maternal animus was striking, even in those heady days. Women were to be liberated, and that meant liberated from maternal expectations and responsibilities.

Eberstadt, a research fellow at the Hoover Institution, writing after the revolution, is an intrepid investigative journalist and a first-rate sleuth. She chronicles today’s abnormally high rates of childhood suicide, behavioral and mental illness, rampant obesity, and all-too-common youth rage. And she takes note of our responses, like the ever-expanding use of behavioral drugs, including Ritalin and Prozac, in even our youngest children. She also notes the appearance of wholly new institutions, way beyond day care: There has been, she reports, a “tenfold expansion during this last decade in specialty institutions delivering round-the-clock, out-of-the-house care and supervision for better-off troubled teenagers.” The horrors perpetrated on teenagers in many of these places—a good number offshore where American regulations do not pertain—is genuinely frightening. One Washington Post reporter, following an intensive investigation, described such institutions as “‘the fastest growing rise of a child abuse industry ... where the tools of war, brain-washing and torture are used on captive children’—a world set in motion by ... ‘desperate parents who can afford to pay for the private incarceration of their child.’”

Eberstadt’s book jolts us into recognizing—if we hadn’t already—the novelty of today’s family life: our “ongoing, massive, and historically unprecedented experiment in family-child separation.” What she also points us to, as she refuses to blink or allow the reader to do the same, is the extraordinary “explosion of problem children” in our times. An alphabet soup of new disorders has been catalogued, and “mind-altering drugs ... have become a daily reality of childhood for millions.”

That “so many children and teenagers are considered mentally or behaviorally deficient appears to raise a social question of the very first order,” Eberstadt writes. That question is: “What exactly is going on that practically every index of juvenile mental and emotional problems is rising so dramatically?” And why, astonishingly, have so-
phisticated researchers paid little or no attention to the fact that the very years that witnessed an explosion in "naming" and treating a slew of childhood disorders with drugs correlates rather uncannily with the rise of maternal employment "from 46.8 percent in 1980 to 64.6 percent in 2000, an increase of 38 percent in just twenty years."

Any careful epidemiologist, noting enormous clusters of illness or radical up-ticks in particular ailments over a given span of time, needs to ask: What has changed? What has remained constant? So why do our social scientists not ask these questions in the case of the increase in childhood violence, early sexual behavior, childhood obesity, and innumerable other pathologies great and small? Why do they not question the increasing use of performance enhancing drugs for teenagers? Eberstadt asks: Is no one curious about why the brains of America’s children seem to have gone haywire in exactly that span of time when family structure was being so radically altered? Are there no social scientists interested in this question?

The problem is that a serious exploration of these issues might implicate the modern feminist movement. That is, one might find (surprise!) that too many children have too little time with their parents. Eberstadt extends the thesis: Children have too little time in their vulnerable early years with their mothers in particular, if not exclusively. Occasionally, an intrepid social scientist will ever so tentatively raise the possibility that children do best with intense and continuing contact with their mothers. This needn’t mean maternal care exclusively, of course, but you can’t take mom away full time from newborns and toddlers. Quickly the various politically correct establishments—from day-care advocates to feminist intellectuals to therapy counselors—attack the researcher, and the poor scholar is hounded into retreat or apology. (Eberstadt gives some vivid example of this sad phenomenon.)

We have contrived for decades now to convince ourselves that our children are infinitely "resilient," and that it is only societal prejudice and "patriarchal" imperatives that dictated intense, perduring interaction between parents—especially mothers—and their children. Even the word "mother" is problematic in some intellectual circles. Better by far the neutral "caretaker," as caretakers can be paid, can be of either sex, and can be periodically re-
placed—just so long as something called “care” is still given. We routinely speak of “parenting” rather than “mothering,” because we don’t want to sneak in any assumption that children are better off in their first few years of life with their mothers as primary caregivers.

The women’s movement focused almost exclusively on what women wanted—though there is now a lot of revisionist history claiming that it was “always” sensitive to children. The women’s movement simply assumed that the children would be OK, and that, in fact, as writers in the pre-feminist decades had claimed, children were suffering from too much of mom. To be sure, these pre-feminist writers were usually men and often men hostile to women. But that part went by the board, and the notion that American moms paid way too much time with, and attention to, their children prevailed. Kids could do with a lot less—that was the comforting story we told ourselves. Today, we live with the unfortunate results in the deeply troubled lives of so many of our children.

The topic of radical changes in mothering is such a hot potato that Eberstadt was labeled a reactionary, an antifeminist, and a neoconservative even before her book had appeared in print. The hostility to Eberstadt’s thesis is a sign that this is one of those problems our society does not want to hear about, much less do anything about.

In other words, we don’t really want to know. Just as, at one point in our history, we didn’t want to “know” what slavery was all about, or the real oppression of women, or the conditions under which too many of America’s workers labored. Now we don’t want to know about the external factors that may be involved in a myriad of ways in childhood suffering, disorder, anxiety, and unhappiness. We are very good at soporifics—giving tens of thousands of children, overwhelmingly boys, Ritalin, for example—but as a society we are unwilling to deal with the deeper sociological causes. Instead, we engage in intricate strategies of exculpation, including the medicalization of childhood, as a way of letting parents, especially working moms, off the hook. So much easier and less judgmental is it to speak of internal brain-chemistry than of the child’s immediate environment.

Eberstadt expresses the hope that Home-Alone America will be taken up and read by people of “varied political
persuasions." One can only hope that her excellent book will indeed receive a wide readership and have a broad impact. But the vehement politicization of family issues makes that unlikely. How our children are faring has become a heatedly partisan question—the property of various ideologically motivated interest groups—rather than simply an American question. Eberstadt is surely right that "the time seems ripe to examine ... these two established facts of our world—absent parents of both sorts and contemporary child problems of all sorts—and ask some obvious, if necessarily blunt, questions about the relationship between the two." The questions could not be more important. But entrenched establishments really don't want us to ask the questions, let alone think long and hard about the answers.
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Liberals by any other name

FRED BAUMANN

LIBERALISM began as an attack on traditional communities. Abstracting from all the lived differences that mattered to those communities, like religion, breeding, caste, and trade, and replacing them with the universal right to liberty to protect one’s life and pursue one’s own version of happiness, its natural tendency has always been “libertarian.” Of course, it had to accept some elements of communal continuity; it taught the social contract, not anarchy. Thus liberalism has always contained its own more communitarian wing while inciting nonliberal communitarian dissenters.

Since 1990, though, largely through the efforts of Amitai Etzioni, a professor of sociology at George Washington University, there has been a self-conscious communitarian movement among political thinkers in the United States. It has sought to define itself as more or less coherent both theoretically and practically. As chief spokesman, Etzioni seeks to articulate a characteristically “communitarian” position that will have a political impact. Etzioni’s “Responsive Communitarian Platform” speaks up for some conservative and some liberal causes, such as strengthening families (and even, if ambiguously, for making divorce harder), and for the teaching of virtue in the schools, but also for gun control and for “neo-progressive” social justice measures. The tone of his latest volume, The Communitarian Reader: Beyond the Essentials,† is reasoned and reasonable, and its appeals to civility and mutual understanding are reflected in Etzioni’s amicable dialogues, included in this collection, with the traditionalist conservative Robert George and with a tough-minded defender of Locke like political theorist Jonathan Marks.

The book presents the communitarians in an agreeable light, both as thinkers and as citizens. But it raises the

† Rowman & Littlefield. 279 pp. $75.00.
question of why this intellectual movement seems to have had so little actual political effect. It isn’t just that the tides of liberalism continue to favor their libertarian opponents, though that’s some of it. Movements like the first generation of neoconservatives and the free-market economists have stemmed other tides. What seems to have kept communitarianism from much political success has to do more with its philosophic tilt toward the Rawlsian tradition, which produces redistributionist policies. This has had two effects. First, it repackages old progressive wine in new communitarian bottles; second, it establishes self-contradictory principles for America to live up to, without giving principled indications of where the lines of compromise could be drawn. The combination tends to leave the potentially sympathetic reader disappointed and at something of a loss.

Judging by this volume, common sense on practical matters works best for communitarians. Where libertarian theory begins to appear silly, the communitarian “Aw, c’mon!” response has great effect. Thus Sasha Polakow-Suransky’s judicious praise for a “faith-based approach to fighting crime in the inner city” amounts to a sensible reproach to ACLU-style First Amendment hysteria. Similarly, Alan Ehrenhalt’s account of the revival of downtown Sioux Falls and Philip Langdon’s defense of the New Urbanism show ways in which we can get what an awful lot of people want in their home towns more sensibly than we seem to be able to now.

Still, however reassuringly Oakeshottian “aw, c’mon!” is in its avoidance of grand theory, it has its limits when it comes to defining an overall position. A more sophisticated grounding of communitarian common sense can be found in Steven Heyman’s defense of the duty to rescue, on the classical Lockean grounds of deputizing civil authority to citizens who happen to be around when the police aren’t. There is much to be said for this approach. At its root is the insistence on the fact that even a liberal political order requires a certain limitation of individual liberty and a modicum of public spirit and unity.

The mainstream of the communitarians represented here choose, however paradoxically, the tradition of Kant and Mill, as passed through Rawls, as the basis of their arguments. Etzioni himself is emphatic that his is a
communitarianism of progressive tendencies. Thus the particularism of any real community makes him uncomfortable. He solves the problem in a way he admits seems utopian, by asserting that what begins with family ascends "inexorably" to "the long-imagined community of humankind." His rhetoric is generally edifying, but it speaks more to his desire to have the nice things about community—warmth and caring—without the nasty stuff—exclusion and intolerance—than to a deep reflection on the nature of communal life.

An essay by the eminent Charles Taylor shows the problem at a theoretical level. He begins with the sensible claim that even a democratic political community has to be stronger than any casual majoritarian agreement. Unfortunately, this means at least some form of exclusion of outsiders. The classical American alternative has an answer to this—in short, a commitment to equal rights plus coalition politics. But it's not good enough for Taylor. He sets up the choice between the "rigid" French model of assimilation (no head covering in schools for Muslim girls) and something like the Canadian group-rights model. His solution is "sharing identity space" so that "political identities have to be worked out, negotiated, creatively compromised." Sounds good, but what are the ground rules of negotiation with Islamic fundamentalists who are quite sure that someday Canada must be ruled by Sharia? Well, he admits, "some things [he specifies democracy and human rights] will have to be non-negotiable." But, as he also admits in his one, and slighting, mention of the American model, principles that are meant to be neutral, like separation of church and state, (or, one might add, democracy and human rights) don't seem neutral to some of the negotiators. So we are no clearer about what is really non-negotiable or how it is to be kept that way.

Thus, refusing the classic American compromise, Taylor's argument has finally to creep back somewhat shamefacedly to something like it, though gutted of any substance or persuasive rhetoric. A decent, moderate result is intended, but a cultural communalism for which liberalism isn't universal enough, precisely because it makes too many universal demands on particular sub-groups, sets itself an insoluble problem. Universally tolerant communities are a utopian hope. So the grounds for compromise between the opposed principles again become vague and largely rhetorical.
THOMAS A. SPRAGENS'S chapter on legislating morality illustrates the rebottling phenomenon. He is for legislating civic morality but not "norms of good behavior predicated upon controversial 'comprehensive' moral and religious beliefs." This represents the familiar Rawlsian choice of the "right" as opposed to the "good" as the basis for community. But this is at best a provisional distinction, since any civic morality has, when questioned, to present a comprehensive justification of why it is good. When it comes to examples, though, the choice is clear enough. The Civil Rights of Act of 1964 legislated morality in a good—excuse me, right—way. So too do laws that require bystanders to intervene against criminal acts. By contrast, antipolygamy or antidrug laws are out. Here Spragens turns Millian—only the "collateral social offenses" drug consumption produces should be criminalized. It may just be that Spragens has progressive tastes when it comes to morals. But, in fact, like Taylor, he doesn’t just want a civic morality; he seems to want one that is comprehensively tolerant. We are left, again, with, on the one hand, emotive, Polonius-like language about the unspecified "substantive moral commitments" that liberal democracy has to defend, and appeals "on the other hand" to "epistemic humility," "social pluralism" and "respect for personal dignity and autonomy." How, except rhetorically, this differs from standard liberal opinion, it is hard to tell.

William Galston, in an effective piece arguing against the libertarian Richard A. Epstein, goes out of his way to defend the Wisconsin v. Yoder decision, wherein the Supreme Court ruled that the Amish don't have to obey state laws requiring school attendance. If ever there were a decision a "communitarian" would be expected to object to, one would think it would be Yoder, which seems to sacrifice any possibility of insisting on a common civic education or morality to the principle of group rights. What if we were talking about Wahhabist madrassas instead of the Old Order Amish? But, of course, Galston is well known for having come, in recent years, to the belief that "expressive liberty" (meaning the right to live one's life in a way that freely expresses one's deepest convictions about the sources of value and meaning) is itself the basic value. Hence, his support for Yoder in an otherwise faultlessly communitarian defense of a communal morality with teeth.
What may seem merely anomalous isn’t. In fact, Galston is grasping one horn of a dilemma whose other horn is firmly in the grip of Stephen Macedo. The latter is represented here by an essay on “Liberal Sectarianism?” which essentially argues in favor of the “naked public square” on the grounds that a liberal democratic civic morality ought to be secular. Once more the communitarian refusal to accept the traditional terms of a liberal community (lots of tolerance but, as with antipolygamy or school-attendance laws, a clear, if low, civic threshold) leads, on the one hand, to opposing theoretical extremes that cannot be maintained together, or, on the other, to new ways of getting people to eat their progressive spinach.

A more politically effective communitarianism might start with the essay by the “soft communitarian” (and defender of gay marriage, hence very soft communitarian) Jonathan Rauch, who “maintains a deep respect for what [he] call[s] ‘hidden law’” and who opposes the “oozing encroachment of public law into every pore of daily life.” He understands that liberty, conceived as Americans have traditionally done it, allows precisely for lots of “hidden law,” lots of traditional norms and reasonable restraints on license. That is why Rauch describes the American law school as “the most ruthlessly anti-communitarian institution that any liberal society has ever produced.” This communitarianism would find its resources within the traditions of the regime and defend them against the rights-pedants, who suffer agonies if a Christmas carol is sung in a public school.

Such a communitarianism would let itself be guided, first, by the tough civic duty side of classical liberalism found in Locke, second, by a Burkean prudence in accepting the regime and its limits, and third, by an Aristotelian willingness to criticize those limits in ways that are both less hectoring and abstract and also less flattering than the Rawlsian kind, which, by the fact of its high-minded critique, implies that we can really have everything if only we are good or clever enough to do it. It would be less ambitious, more sober, and likely more politically effective than the present “movement.”
Where have all the children gone?

ERIC COHEN

PROGRESSIVES have long worried that world population is rising too much and too fast, and that poor nations will never modernize if they continue to procreate without limits. But in reality, concerns about overpopulation are wholly misplaced, and the real danger ahead may result from "depopulation": a world of fewer babies, aging populations, and pension systems in crisis.

To sort out the consequences of the "new demography," we have the benefit of two valuable new books: Fewer† by American Enterprise Institute scholar Ben J. Wattenberg, and The Empty Cradle‡ by New America Foundation fellow Phillip Longman. Both books cover similar territory and tell the same basic story. But they are written for different reasons. Wattenberg writes as an "optimistic realist" and "American exceptionalist." He believes that Europe and Japan are in demographic trouble, that developing countries may largely benefit from falling birth rates, and that America alone may have the civic resources to avoid the pitfalls of an aging society. Longman writes as a progressive worried that only "fundamentalists" will have children in the future. He wants liberals to have larger families, and he believes that public policies that reward parenthood are the best chance for averting the economic crisis of an aging world and the cultural crisis of religious fanaticism.

The new demography is best understood in three parts: the less developed countries (LDCs), the more developed countries (especially Europe and Japan), and the United States. Contrary to public perception, the most dramatic fertility declines in recent decades have occurred in the LDCs. From 1965 to 1970, the "total fertility rate" (or TFR, the number of children per woman) for all LDCs was 6.0; from 1985 to 1990, it was 3.8; from 2000 to 2005, it

† Ivan R. Dee. 256 pp. $24.95.
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will be below 2.9 and falling. In 20 LDCs, fertility rates are already below replacement levels or soon will be—including Iran, Mexico, and Brazil. Central to this story is China, the world’s most populous nation, whose TFR fell from 6.06 between 1960 and 1965 to around 1.8 today. This drop is due largely to China’s coercive one-child policy. But it is also clear that the fertility free-fall in the developing world is not predominantly coercive; it is, rather, a spontaneous change in human behavior. And given that many of these nations are still poor, it suggests that modern wealth is not a prerequisite for fertility decline.

Wattenberg and Longman disagree somewhat about the economic and social significance of these changes for the LDCs. Wattenberg believes the decline in fertility rates could have mostly positive benefits, at least for several decades. The high rates of fertility in earlier decades and declining rates of infant mortality have created a large cohort of workers, better educated and more skilled than any previous native generation. This generational cohort is having fewer children and sending more women into the paid workforce. With fewer dependents and more producers, Wattenberg argues, GDP per capita in many LDCs is poised to increase dramatically. And as the local economy expands, the best and the brightest will stay home instead of heading overseas in search of economic opportunity. Wattenberg calls this the “demographic dividend.”

But, as Longman points out, there are also reasons to worry. The demographic dividend must eventually be repaid. Today’s generation of producers will age, and there will be fewer children (and thus fewer future workers) to support them. The LDCs, Longman says, may get old before they get rich. And so, where Wattenberg sees nations like India and China as prime examples of how the new demography might turn out well in the near future, Longman sees a potential long-term disaster: the coming of “4-2-1 societies,” in which “one child must support two parents and four grandparents,” even as the economy drives workers away from the farms where their dependent elders still live.

On the question of Europe, Japan, and other modern democracies, both authors are in agreement: Depopulation is coming, and the economic and social consequences will likely be disastrous. The data are indeed staggering: Since the late 1950s, the TFR in Europe has fallen from
2.7 to 1.38—an astounding 34 percent below the replacement level of 2.1. Japan’s fertility rate is 1.32. A large number of nations have TFRs between 1.0 and 1.2, including Russia, Spain, Italy, South Korea, and the Czech Republic. Generations of modern children are growing up without brothers and sisters, and roughly 20 percent of women in the leading nations of Europe have no children at all at the end of their child-bearing years.

Both Wattenberg and Longman describe the tragic consequences of these demographic changes: The declining number of workers and increasing number of retirees will leave the European and Japanese welfare states in fiscal crisis; the culture of early retirement will make it hard to extend the retirement age; the cultural opposition to immigration will make it difficult to import and assimilate new workers; the shrinking population will reduce consumer demand and diminish economic innovation; the imposition of new taxes on workers to support programs for the elderly will make it even more difficult for the rising generation to afford children of their own. And while many developed nations have recently enacted “pro-natalist” policies, fertility is still in sharp decline.

The irony is that these nations’ economic problems are partly the result of individuals and families pursuing their own economic self-interest. As Wattenberg describes it:

If things proceed as expected, this postwar Euro-Japanese generation will live longer lives, in healthier circumstances, than any previous cohort of humanity. By any historical collective standard, the postwar generation has it all, or almost all. It has made individual decisions with its own best interests in mind. It wanted cars and vacations abroad. Women wanted education and career choices. It wanted its children to be well cared for and to attend good schools. And it decided to have fewer children than any cohort in human history. Individually, it apparently made sense.

But socially, it may prove disastrous, as whole civilizations shrink in the decades ahead, seeking a paradise of personal freedom in the present but unable to perpetuate themselves into the future.

LOOKING at America, the future is more complicated. The United States has virtually the highest fertility rate of any advanced nation at 2.01, with Israel as the most notable exception. Yet there are dramatic differences
between different regions (low fertility in the northeast, high fertility in the west) and between native-born whites and Hispanic immigrants. Unlike Europe and Japan, the American fertility rate has risen (if slightly) over the last two decades. But whether America is truly "exceptional" is unclear: Wattenberg says yes, because we continue to have children near the replacement rate, and we continue to welcome and assimilate working-age immigrants. Longman is skeptical, and worries that American over-spending on health care could erase any demographic advantages we might have.

Still, both authors agree that America will confront many of the same problems as Europe and Japan—with fewer workers supporting more dependents, with few economic incentives for having children, with private pensions that threaten to bankrupt large companies, with a growing population of elders in need of long-term care, and an economy dominated by risk-averse retirees. While the Bush administration may overstate the urgency of the Social Security crisis, both Democrats and Republicans understate the urgency of the Medicare and long-term care crisis. How will we care for our ever increasing population of (increasingly disabled) senior citizens?

But if there are reasons to worry, there are also reasons for optimism. America is genuinely different from most other modern countries: It is a more religious nation, and this means that large parts of the population see both procreation and caring for the elderly as moral duties. It is a harder working nation, with a labor force that produces more wealth by working more hours and seeking useful employment even in retirement. It is a more self-reliant nation, with individuals more open to funding their own retirements rather than demanding expansions of the welfare state. And it is a more idealistic nation: Americans believe in the future, and the future requires having children.

And this brings us to the heart of the matter, an issue not adequately considered by either author: Why have children at all (or more than just one or two), especially when there are so many reasons not to do so? Children are, after all, technologically avoidable (thanks in large part to the pill), economically expensive (and more so in cities), and culturally optional (particularly in the West).
In a chapter entitled “The Cost of Children,” Longman explains why raising a child in America will cost middle-class families over $1 million, due mostly to the “opportunity cost of motherhood”—that is, the lost wages entailed in raising the young. He describes how our tax system punishes parents, who produce the “human capital” (the future citizens) who make national prosperity possible, but who as parents gain little economic reward for doing so. He also describes how dependent the nation’s nonparents have become on other people’s children, and how we consume more human capital (future workers) than we produce. As a response, Longman recommends a pro-child reform of the pension system, so that parents would get a one-third reduction in their payroll tax for each child under 18, but receive maximum retirement benefits only if their children graduate from high school.

Longman’s analysis is both brilliant and perverse. In the end, he seems to forget the central role of culture in shaping procreation, which was (ironically) the reason he seems to have written the book in the first place—fearing that only the wrong kind of people (religious fundamentalists) will have children while the right kind of people (tolerant secularists) will not. But economic incentives will probably not move many secularists to be more fruitful than they otherwise would be. And while many individuals and couples believe they are having fewer children (or none at all) because of the expense of raising children responsibly, their behavior has much deeper roots: It is not fundamentally an economic issue, but a cultural one. For those who see children primarily as sources of personal fulfillment, other routes to happiness may seem more trouble-free. Children will often lose out in this utilitarian calculus, even if the state makes raising them less expensive.

In the end, neither Longman nor Wattenberg probes very deeply into the larger cultural question of the demographics of implosion. But they have gathered the data and usefully corrected certain widespread and longstanding misrepresentations: There will be no population explosion (neither in the developed West nor in the Third World), only a slow and steady decline in the human population. The economic and social effects of these trends will be enormous, but the deeper question is why so many modern people are choosing to live for themselves and for today, with so little thought for the human future.
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