

B209. "A New Plea for the Public's Interest" The Christian Science Monitor, (May 7, 1991), p. 19.

Americans have recently called for more government services, but showed greater opposition to new taxes; they express their willingness to show the flag anywhere from Central America to the Gulf, but many are reluctant to serve in the armed forces; and they have a firm sense that one ought to have the right to be tried before a jury of one's peers, but evade serving on such juries.

While the imbalance of rights and responsibilities may well have existed for a long time, some argue it is a basic trait of the American character. In recent years, leadership has exacerbated this tendency.

John F. Kennedy was able to generate a tremendous response, including a stream of thousands of volunteers to serve in the Peace Corps, when he stated, "Ask not what your country can do for you, but what you can do for your country." In recent years, however, presidents have preferred the less challenging course of suggesting to the citizenship that they can have their cake and eat it too, gaining ever more economic growth to finance government services, while paying ever less for them via tax cuts.

In many areas, from public education to the war on drugs, facile non-taxing "solutions" have been offered. To deal with illicit demands for drugs we are told to "just say no." Radical individualists, from the American Civil Liberties Union (ACLU) to libertarians, have effectively blocked attempts to increase public responsibilities, from drug testing, even of people directly involved in public safety (e.g., train engineers), to measures that would enhance public health (such as requiring carriers of the AIDS virus to disclose sexual contacts).

A new communitarian movement is taking on this set of issues, making restoration of civility and commitment to the common good its theme. The movement is in part social philosophy and sociology, in part a moral call, and in part a matter of taking a different slant on public policies.

Communitarians point out the illogic of demanding the right to be tried before a jury of one's peers without agreeing to serve on a jury. They point out that a government trying to make do by serving special interests neglects important matters for which there are no powerful pressure groups, from public education to public safety and health. And communitarians are showing that the Constitution, as a living thing rather than a dead letter the Founding Fathers left behind, can be adapted to changing challenges.

Before laying out specific communitarian measures, it is necessary to stress two points to avoid misunderstanding.

First, while several of these measures involve legal matters and governmental actions, the core of the communitarian position is moral and community-based. What is needed most is a change in the moral climate, a greater willingness to shoulder responsibilities, and a greater readiness to curb one's demands. Without such a change, required changes in public service and the definition of rights will not be considered acceptable.

Most important, the more called-for changes are made morally acceptable and are socially enforced, the less need there will be for governmental actions- such as policing and jails. One example illustrates this point well. To enhance public safety we must reduce the number of drunk drivers. To combat drunken driving we need, among other things, a willingness of

individuals, as a moral commitment, to embrace the notion of a designated driver. Already this is becoming part of American culture because of its moral and social base.

People who state they are not drinking because they are designated drivers are gaining social approval. Similarly, we need to support sobriety checkpoints (rather than fight them as the ACLU does) to help enforce the new social, moral dictum. The changed moral orientation ensures that drunken driving will be significantly reduced largely without state action and that whatever limited state action is needed will merely round off new social pressures and will be supported by the electorate.

There is no simple recipe for building a moral climate supportive of a more communitarian orientation. Societies change in complex and uncontrollable ways. Among the steps being taken are those that historically resulted in a desired change. First, just as Betty Friedan's writings helped launch the women's movement, and Rachel Carson's "Silent Spring" helped the environmental movement take off, various communitarian writings call attention to the need for greater responsibility to the common good. These include the works of Robert Bellah, R. Madsen, W. Sullivan, A. Swidler, and S. Tipton's "Habits of the Heart," as well as books by Michael Walzer, Michael Sandel, Charles Taylor, Alasdair MacIntyre, and a new quarterly, "The Responsive Community."

Second, some public interest groups have made communitarianism their theme, whether or not they use the term - including Common Cause, Ralph Nader's groups, and numerous grass roots organizations. There is also a strong communitarian element in many organizations whose explicit purpose is something else, especially environmental groups.

Less advanced but moving in the right direction are various attempts to strengthen the teaching of civics in schools by groups such as the Thomas Jefferson Center. What is yet to come is a major social movement, a kind of new progressive movement whose main agenda would be curbing special interests and serving the public interest.

Unfortunately, the recent public frustration with politicians has focused on attempts to "throw out the rascals" and impose term limitations, which will only lead to a new set of politicians committed to their own special interests. Until elected officials' need for private money to win elections is systematically curbed by campaign reform laws and public financing of elections, this part of the communitarian movement will lag.

The second misunderstanding that must be avoided is that the call for enhanced civic responsibility and a greater measure of community service entails majoritarianism or even a measure of authoritarianism. To suggest that Americans ought to volunteer more often is not to suggest that those who refuse for reasons of conscience are to be disciplined. Nor does the call for more sobriety checkpoints, drug tests, and disclosure of sexual contacts by carriers of the AIDS virus legitimize the beginning of a police state. Communitarians are careful to craft suggested changes in public mores and regulation to allow for greater public safety, health, and education, without falling into a trap of authoritarianism.

Concerning the rights of criminals versus those of victims and the public, a wholesale removal of Miranda rights, as was suggested by the Reagan administration, may well return us to more authoritarian days. At the same time, it seems reasonable not to throw out evidence when the Miranda rules were violated on technical grounds and law enforcement officials clearly acted in good faith.

In the same vein, sobriety checkpoints should be viewed more as a way to secure the right to drive freely than a curb on that right - especially when they are announced, so those who enter public highways in effect consent to be subject to them. Nor should airport screens,

used to deter terrorists, be viewed as unreasonable searches. The intrusion is minimal and the contribution to public safety, including freedom to travel, is considerable.

One can, and should argue about the details involved in such policies. Indeed, policy changes must be carefully crafted. We need to reset a legal thermostat to encourage a climate more supportive of public concerns, without melting away basic safeguards of individual liberties. Those who argue that the Bill of Rights are untouchable, that any modification will push us down a slippery slope toward authoritarianism, must come to realize that the greater danger to the Constitution arises out of a refusal to recognize that it is a living thing adaptable to a changing social situation.

Without such adaptation, without some measure of increased communitarianism, the mounting frustrations of the American people over politics governed by special interests, over unsafe cities and spreading epidemics, will lead to much more extreme adjustments. Legitimate public needs are not attended to, in part, because quite reasonable adaptations, such as selective drug testing, sobriety checkpoints, and other such measures are disallowed.

Basically, the issue is not one of legal measures but a change of orientation toward a stronger voice for the common good and less room for "meism" and special interests.