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The Current State of the Civil Society Debate

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I'm honored that David Blankenhorn has asked me to say a few words on the current state of the civil society debate. At the same time, it's daunting to be discussing that subject before so many people who have played major roles in that debate. I see from the program that David has likened their efforts to the quest for the Holy Grail. On that analogy, we have in our midst most of the Knights and Ladies of the Round Table--which makes my assignment, I guess, something like that of a bard. I'm supposed to tell you the story of the perils they survived, the victories they have achieved, and the latest news from the front.

Once upon a time long ago--well, ten years ago--there was no civil society debate. There was a small but gallant band of men and women who were struggling to bring a certain cluster of ideas into political discussions. But the very mention of the term "civil society" was apt to invite blank stares. I remember a meeting of the International, Association of Legal Science in the mid-1980s where I tried to convince my colleagues that our next symposium should be devoted to civil society. "Oh yes," said one, "that's a great idea, we need to promote civility in the legal profession." "Well," I said, "What I meant, actually, is that we should take a look at the law relating to the various mediating institutions that stand between individuals and the megastructures of the market and the state." "Oh no," came a chorus of voices, "that's been done to death--no one wants to hear any more about mediation and arbitration. Let's do something new."

These experiences were just like the scene in Monty Python's Holy Grail where King Arthur goes to the castle of the French knight and tells the sentry to ask his master if he wants to join the quest for the Grail. "The what?" says the guard. "The Grail," says Arthur. "Oh, I don't think so," says the guard. "He already has one, you see."

I'm sure many people here have had similar difficulties--even though the basic ideas we were trying to get across should have been familiar to anyone who had read Burke or Tocqueville.

1989 was a turning point when, thanks to Lech Walesa, Vaclav Havel and others, we Americans began to understand that something called civil society, especially labor and religious groups, had played an important role in toppling the seemingly indestructible totalitarian regimes of Eastern Europe. Within a few years, terms like civil society and

subsidiarity were rolling trippingly off the tongues of politicians and pundits across the political spectrum. Today, no social commentator who wants to be taken seriously can ignore the constellation of ideas they represent.

You lads and lasses who played a role in bringing this about are now tasting the bittersweet fruits of success. No sooner were your ideas taken up by opinion leaders than they developed left and right versions. Next, we began to see a cafeteria approach to civil society: "I'll take the special of the day please, but put the religion on the side." Or: "Give me the families and churches please, but hold the unions." Then, civil society received the compliment of being appropriated by special-interest groups: for example, the lobbying organizations that flock to the U.N. precisely in order to circumvent local politics have taken to calling themselves "international civil society." And if you want the ultimate proof that civil society has arrived as a concept, you have only to consider that it has begun to be declared passe by trend spotters! From birth to deconstruction to desuetude, all in less than a decade. Congratulations!

What Have We Learned?

So, what are the propositions that were once so hard to get across, and that have now passed into general political consciousness? I would mention five.

(1) One very basic idea, which we find in The Federalist Papers, is that democratic forms of government require an especially high degree of skills and character traits on the part of the citizenry: respect for others, self-restraint, public spiritedness, the willingness and ability to participate in the give-and-take of self-government. Since these traits are not easy to acquire....

(2) There follows a second proposition--that the polity cannot afford to be indifferent to the health of the places where people mainly acquire those qualities (hence the title "Seedbeds of Virtue" which we chose for the Institute's book on that subject). First and foremost among those seedbeds, of course, is the family, along with a host of other face-to-face groups (such as neighborhoods, churches, temples, schools, the workplace, and so on).

The American founders did not dwell on this second point, probably because it seemed so obvious. They had a nation to build, and thought they could take civil society for granted.

(3) In Europe, however, things were different. The French revolutionaries deliberately set out to destroy what they called the "corps intermediaires" between citizen and state. They dismantled local government; they introduced divorce, they banned craft guilds, and they expropriated church property. Thus, Burke and Tocqueville were not deal-

ing in hypotheticals when they pointed out that the rise of the modern centralized state posed a threat to what Tocqueville called the "schools for citizenship" and Burke the "little platoons" of society. They also noted, and here is the third proposition, that these groups could serve as a system of buffers between individuals and the power of the state.

(4) All this leads to another proposition--the paradox that though the democratic state and the institutions of civil society pose threats to one another, each has an important stake in the other's vitality.

(5) Finally, it is now widely recognized that civil society is in disarray. This Institute has played a key role in raising consciousness of that fact, especially where the family is concerned. As for the groups that used to surround and support families, recent studies document what everyone who's not living on another planet already knows--that there has been a remarkable decline over the past 30 years in the time we Americans devote to them. Attendance at religious services, for example, has fallen off by 30 percent, and participation in groups like PTAs, League of Women Voters, etc., by as much as 50 percent. Members of many organizations now give money instead of time, thus rendering the organizations concerned more professional, more distant and more bureaucratic.

In other words, just when families began to have special need of new and different kinds of relationships with their neighborhoods, schools, churches, youth groups--those groups themselves began faltering--in part because families no longer supply the active members, and the unpaid labor of women, upon which many groups traditionally relied. It's like the old song where the hip bone is connected to the thigh bone and the thigh bone is connected to the leg bone and so on. Our social skeleton seems to be falling apart.

All these points have been widely absorbed. Even most critics understand that civil society advocates come not to threaten democratic values but to preserve them. The civil society project, in its broadest sense, is aimed at bringing together the two halves of our nation's divided soul: our love of individual freedom and our sense of a community for which we share a common responsibility.

So, in a sense, the Knights and Ladies have won the civil society debate. But the mood at the Round Table is sober these days, because we all know that was the easy part. The quest for civil society has hardly begun, and like the quest in Arthurian legend, it is likely to be a long, arduous journey filled with perils--to which I now turn.

Present-mindedness, Perpetual Motion, and other Perils

Consider, for instance, the Cave of Present-Mindedness. I often think the civil society debate is over the way the

debate with teenagers about the pros and cons of sunbathing is over. Most young people now understand perfectly that prolonged exposure to the sun increases the risk of skin cancer and of what many regard as almost as bad--wrinkles. But the beaches are still filled with young men and women toasting in the sun. Why? Well, to minimize an uncertain long-term risk, they would have to give up an enjoyable benefit now. Besides, they know that many people beat the odds. So it's easy to assume that "It won't happen to me." Others put their faith in technology: "I'll use this tanning lotion that screens out the bad rays and lets in the good ones." Others, bless their hearts, just can't think that far ahead. People don't get cancer and wrinkles until they're really old, like over forty--and that's so far away, there'll be a cure by then.

Where do those attitudes come from? It doesn't take Merlin the Magician to figure that out. As Michael Walzer once put it, "There's nobody here but us Americans." What makes it all so darned complicated is that some of these attitudes are part of what made the country great--we <u>are</u> a gambling, risk-taking, profit-making people; we <u>do</u> defy odds; we don't get hamstrung worrying about what might or might not happen somewhere down the line.

Nevertheless, the civil society debate has heightened awareness that there are degrees of difference between reasonable risk-taking for a worthwhile end, and mere recklessness. More people now realize that we've been living on inherited social capital for a long time without replenishing it. To be sure, not everyone feels the same concern about preserving capital as New Englanders of my generation were taught to have. Bostonians still tell the story of the respectable society matron who was crossing the Common one day and ran into an old college chum she hadn't seen for years. The matron was dismayed to see that her friend was obviously engaged in the world's oldest profession. "My dear," she said, "whatever has happened to you?" "Well," said her friend, "it was either this or dip into capital."

No doubt that was carrying prudence too far. But the opposite extreme (as Tocqueville warned) was a common American failing that would probably get worse even as the nation prospered. Americans, he predicted, could easily "fall into a complete and brutish indifference about the future."

In fairness, however, it ought to be said that what drives many of us into the "Cave of Present-Mindedness" is not brutishness or immaturity, but rather the pressures of everyday life. And many of these pressures stem from another menace to civil society, the <u>Whirlwind of Perpetual Motion</u>. It is true we Americans are always forming associations, but we also lead the world in dissolving them. As a nation of immigrants, the idea of cashing out and starting over is in our very marrow. (We take for granted, for exam-

ple, our unusual bankruptcy laws which not only let us extinguish our debts but guarantee us certain possessions that creditors cannot reach. Yet, when the United States adopted those laws, bankruptcy in continental Europe not only did not discharge debts, but was a felony!) We have also long had one of the highest rates of internal geographic mobility in the world. And we have long been famed for the frequency with which we move in and out of marriages. (Even in the 1920s, the supposed heyday of the stable, traditional American family, the U.S. divorce rate was at least double that of any European country.) Finally, even those who stay put in one community and one family are increasingly caught up in a frenzied whirl of activity. Members of child-raising families in particular are apt to be rushing back and forth from home to school to work to grocery store to home again, hard-pressed to find time for a decent family life, or even a decent family meal--not to mention extra time for civic and social activities.

In that frenetic state of affairs, our longing for civil society often means that we want somebody <u>else</u> to be nurturing the seedbeds of character and competence so that society will remain livable. We want someone <u>else</u> to go to religious services, to run for local office, to attend the PTA and union meetings, to stay married, to spend lots of time with their kids, and so on. But "there's nobody here but us Americans." And the organizations Americans join today are oriented less toward toward mutual aid and civic ideals, and more toward collecting dues for the furtherance of special interests.

Furthermore, even if we were to escape from the twin perils of "Present-Mindedness" and "Perpetual Motion," there would be other obstacles to confront. In the first place, no one has much of an idea of how to re-invigorate civil society or how to jump-start self-government. It is one thing to say that it takes a village to raise a child, but quite another to know what it takes to raise a village. It is one thing to say that the era of big government is over, but another--as Eastern Europeans have found to their sorrow--to call into being a vibrant democracy.

No wonder, then, that we have been seduced so often by the <u>Sirens of the Sound Bite</u>. No wonder we have stumbled time and again into the <u>Quagmire of the Quick Fix</u>. No wonder so many have been lost in the <u>Lagoon of the Legal Mind</u> (that's the mind that can think of something that's inextricably connected to something else without thinking of what it's connected to).

At times, the outlook for civil society seems so bleak that even the bravest Knights and Ladies lose heart. Some of us, like Monty Python's Sir Robin-the-not-so-brave, are tempted to "boldly run away, away." Others are simply discouraged. At times, it seems as though we have won the

debate, and lost the culture. But you may recall that when the Arthurian knights found themselves in desperate situations, they usually received a sign that led them out of danger, or at least renewed their courage.

Can we discern any promising signs on the civil society horizon? I believe so. I would mention six.

Glimmerings of Civil Society

(1) First, I take it as a mildly encouraging development that there is widespread uneasiness about the foundations upon which our current well-being, such as it is, rests. Working people have a sense that economic forces are out of control--that neither hard work nor general economic improvement is leading to higher incomes. Young people fear their own economic prospects are worse than their parents' were. Parents feel that they are losing control of the moral and educational development of their own kids. No one has yet found a fully satisfactory way of accommodating women's increased participation in economic and public life with the need to provide children with the best possible care. And, like the chorus in a Greek tragedy, the Census Bureau warns us that with each passing year, a smaller and smaller proportion of our children are growing up with their two, married, parents. With each passing year, childhood is becoming a harsher experience for more and more of our children. With each passing year, the implications for the future become more ominous to contemplate.

Uneasiness about such matters is to be welcomed, I suggest, because it tends to turn our thoughts from the short-run toward the long-term. It tends to make us wonder what kind of society we are bringing into being, and whether that is the kind of society we really want to live in.

(2) Second, friends of civil society can be grateful to the environmental movement, not only for raising public consciousness about long-term consequences of present actions, but for developing a vocabulary that has made it easier to talk about risks, probabilities, and indirect effects. A useful way of thinking about the current state of civil society is that we are dealing with fragile social environments that are every bit as important to human flourishing as the physical environment. Political debate has been enriched by all sorts of ecological analogies.

(3) Third, we are beginning to have more sophisticated political discussions. A popular joke among Harvard political scientists used to go: "How many University of Chicago economists does it take to change a light bulb?" The answer was: "None because the market will take care of it." But if you turned the question around, you found that many who laughed hardest at that joke thought the federal government should be changing the light bulb! Now, that simplistic state-market debate seems to be giving way to more pragmatic

deliberation. Recognizing that our current challenges are in many ways unprecedented, we are becoming more modest and less dogmatic.

(4) Fourth, public deliberation is being enriched by more voices and points of view. America's religious groups, for example, are beginning not only to make themselves heard in the public square, but to learn to communicate their wisdom in terms that can be understood by all men and women of good will regardless of creed.

(5) Fifth, we are seeing more experimentation with novel approaches to intractable problems: more pilot programs, more searching for successful models that are already in place, more efforts to get on the side of people and institutions who have a track record in solving problems and rebuilding communities. Where the family is concerned, there has been a veritable explosion of activity: as witness the emergence and truly stunning growth of Promise Keepers, the burgeoning marriage education movement, and a variety of family law reforms including the Louisiana covenant marriage legislation which has stimulated nationwide discussion.

(6) Sixth, another promising development in recent years is that policy makers all over the world have become increasingly interested in the unrealized possibilities of the mediating structures of civil society as alternatives to direct governmental provision of a range of social services. Politically, the stage is set for creative experiments with ideas like the one advanced by Peter Berger and Richard Neuhaus in the 1970s--that government may be able to promote the delivery of services such as health care, low-income housing, education, and child care more economically, efficiently and humanely through the mediating groups than through state-run agencies. Certainly many groups that have been active in these areas have shown impressive success on a shoestring, plus a heart for human beings that government can never have. Moreover, a beneficial side-effect would likely be to boost the vitality of the organizations concerned.

There seems to be a good deal of support across the political spectrum for that idea--at least in principle. The Supreme Court in recent decisions seems disposed to lower the barriers to including religious organizations in such programs. And Congress in the recent Welfare Reform Act has shown itself sensitive to the need to permit participating organizations to do so without denuding themselves of their religious identity.

In moving from principle to practice, however, experiments along those lines will be controversial, especially among entrenched apparatchiks. But that sort of controversy is to be welcomed, I would suggest, because the polity can only benefit from fuller deliberation of hard problems that

all the human sciences--economists, political scientists, theologians, philosophers, lawyers and sociologists--have too long ignored.

Now, because so many of us belong to those disciplines, and because our host, Sir David of the Many Suggestions, is always telling us academics to get specific, I will conclude this talk with a list of ways in which the various human sciences might advance the quest for civil society. For the ultimate in lists, however, and for more specificity than a cloistered academic like myself can offer, I commend to you this Institute's own forthcoming "Call to Civil Society."

Meanwhile, here is my list of five hard nuts for the human sciences to crack as attempts to reinvigorate civil society go forward.

Where Do We Go from Here?

1. First, none of our disciplines has provided us with an adequate understanding of the different types of human groups and organizations--their natures, their capacities, their functions, and how they interact with one another. Even the term "civil society" is vague. As for "subsidiarity," the word we often use when we discuss such matters, it is probably best thought of as like the "x" the algebra--a "known unknown" toward which our efforts are pointing.

For an example of the imprecision of our currentthinking, consider that "civil society" is often sharply contrasted with the state and the market. But surely those distinctions have to be refined. Participatory local governments like the New England township I grew up in, or small community-based enterprises like the ones that once dotted the economic landscape cannot be sharply distinguished from civil society.

We need to know more about the pathologies to which each of these various types of organization are prone--and how malfunctions can be corrected without killing the geese that have long provided our society with the golden eggs of peace, prosperity, and opportunity. The body of knowledge that is likely to be most helpful here is the emerging interdisciplinary science of complex systems.

2. Second, a closely related point, we need a more sophisticated understanding of federalism, an understanding that extends to local government as well as state and national, and that seeks to learn what is best done at what level. The serious study of federalism has been hampered in law schools over the past thirty years by a pervasive prejudice against state and local control because of the weaknesses of some communities in dealing with race; a pervasive fondness for federal control and judicial decisionmaking; and a disinclination on the part of many legal academics to work on problems they see as boring and technical.

3. Third, we need to think more deeply about what might be called an economics of civil society. That would entail, among other things, consideration of the social effects of capitalism in its "creative destruction mode," and of the long-term civic consequences of economic decisions taken by governments.

4. Fourth, because so much of the civil society debate is about virtue, character, and culture, we need to take seriously the fact that, for most Americans, these matters are inseparable from religious faith. Thus serious attention to civil society requires an re-examination of old suspicions (both on the part of some people about religion, and on the part of some religious folk about being involved with anything so worldly as politics). Such a reconsideration of the role of religion in public life would entail re-examining the impulse of the state to impose its own image and values on communities of memory and mutual aid. If you require a religious group to strip itself of its identity as a condition for participating in a program you are apt to take away precisely what enables that group to outperform the state in rehabilitating drug addicts, educating the most disadvantaged children, caring for the sickest and neediest, and so on. At the same time, religious groups will be challenged to show that it is in fact fellow-feeling that animates them. If their solidarity is authentic, they will show it. The proof will be in the pudding.

5. Fifth, the civil society debate needs to be enriched with reflection on the nature of the human person. How can we think about seedbeds without pondering the seed? If we design social structures with "radically autonomous man", "self-sufficient man", and other such creatures in mind, should we be surprised to find ourselves increasingly surrounded by sociopaths? If we stigmatize dependency--a natural and inevitable condition for all of us at various stages of ur lives--should we be surprised to see our society becoming inhospitable to children, the elderly poor, and parents who make personal sacrifices in order to care for their own children?

It should be clear that what binds these five neglected areas together--indeed what helps to explain their neglect--is that progress on these fronts would require both teamwork and interdisciplinary cooperation. That in turn requires institutions that help economists, philosophers, sociologists, theologians, and lawyers to overcome the barriers that divide the human sciences. That is one reason among many why groups like this Institute are so valuable.

There is, of course, much more to be said under all these headings. And, if this were a scholarly article, it would require dozens of footnotes to the writings of many of you here for points which are not original with me.

The Path Ahead: Risk, Reflection, and Choice

Let me just conclude by acknowledging that the search for civil society, like the search for the Holy Grail, is a risky business. But, thanks to the civil society debate, there is now a widespread realization that to ignore the cultural foundations of our democratic experiment and our free market is equally risky.

In light of the difficulties, it's only natural that we should at times feel disheartened. There's a powerful temptation at times to forsake the Grail for the Cup of Quietism--to shrug our shoulders and resign ourselves to whatever fate has in store.

It's just at such times, however, that we can rejoice that "there's nobody here but Americans." For if any trait has stood our nation in good stead over the years, it is our refusal to accept that we are simply at the mercy of blind historical forces. That was the bold message of Federalist No. 1: the whole world, Hamilton said, would be watching the United States to see whether the political fortunes of mankind need always be determined by accident and force, or whether they could be influenced by "reflection and choice."

That faith of the Founders in reflection and choice, of course, implies sufficient numbers of citizens with the right stuff, and that in turn brings us back to the seedbeds where such qualities are nurtured, and to the seeds--the human person, so fragile, yet so full of promise.

Today, the world is still watching. It's no secret that those who do not wish our version of the democratic experiment well have placed their bets. They are wagering that our deteriorating civil society will bring us down, that it's too late to halt the relentless march of historical processes. But they have underestimated, (or so I believe and fervently hope), our society's capacity for renewal. To the Knights and Ladies here today, therefore, I say, Thank you, and Godspeed on your continued quest!