

*Bringing Theory to Practice Monographs*

**THE  
CIVIC  
SERIES**

# Civic Values, Civic Practices

EDITOR: Donald W. Harward  
SERIES EDITOR: Barry Checkoway

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Edited by Donald W. Harward  
*Bringing Theory to Practice*  
Washington, DC



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# Civic Values, Civic Practices

*Essays that broaden and deepen understanding  
of the nature of the civic, the relation of  
civic learning to civic action, and the realization  
of the civic mission of higher education*

EDITOR: Donald W. Harward

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## PREFACE

Appreciation is extended to all of those Many colleges and universities were established with a civic mission, and are ideally positioned for its renewal. Their founding papers include phrases like “knowledge for society” or “education for democracy.” They have students who will become civic leaders, and faculty members who share ideas with them in classrooms. They are anchor institutions that influence society and will continue to do so.

Societies change, however, and changes offer opportunities for institutions to consider or reconsider their priorities. At a time when societies are changing in their civic, demographic, technological, and economic characteristics, these changes are challenging institutions to reflect on their mission and build capacity for the years ahead.

What is, or should be, the civic mission of higher education? This question is especially important at the present time, and its answers raise methodological, pedagogical, and institutional issues on campus and in the community.

*The Civic Series* aims to engage educators in conversations about the civic mission of higher education. The volumes published in this series include informal essays intended to invigorate the intellectual climate and promote public discussion. We believe that if each generation of visionary thinkers were to share their boldest ideas about the civic mission of higher education, this sharing of ideas would contribute to our common cause.

Each volume in the series has an editor and authors who are highly experienced and deeply committed to our purpose, including Donald W. Harward, editor of both *Civic Provocations* (Spring 2012) and also this volume, *Civic Values, Civic*

*Practices*; Peter Levine, editor of *Civic Studies* (Winter 2013); Ashley Finley, editor of *Civic Learning and Teaching* (Winter 2014); and Jill Reich, editor of *Civic Engagement, Civic Development, and Higher Education* (Spring 2014). Taken together, the volumes of *The Civic Series* will comprise a resource of lasting value to the field.

Bringing Theory to Practice continues in its efforts to build a learning community around these civic issues, and *The Civic Series* advances this purpose. If these essays stimulate—or even provoke—your thinking and cause you to take action on your thoughts, then our purpose will be served.

*Barry Checkoway*  
*General Series Editor*

## ACKNOWLEDGMENTS

Appreciation is extended to all of those who make possible the work of Bringing Theory to Practice (BTtoP), as well as to those who have been connected to the publication of *The Civic Series* and this *Civic Values, Civic Practices* volume.

Project cofounder and BTtoP colleague Sally Engelhard Pingree (and the S. Engelhard Center she leads) remains the enabling source of the progress and achievements gained over the last twelve years. All the many persons and campuses associated with BTtoP are grateful beneficiaries of her support.

From the inception of *The Civic Series*, Julie Johnson Kidd, president of the Christian A. Johnson Endeavor Foundation, has been our colleague and thoughtful co-developer. Her unflagging confidence in the importance of *The Civic Series* initiative and the foundation's generosity have enabled the receipt of matching grants from the S. Engelhard Center, the Spencer Foundation, the William and Mary Greve Foundation, the Lumina Foundation, and the Teagle Foundation. Without their support, the volumes comprising *The Civic Series*, and the grants available for campuses to use them and to implement steps of action, would not be possible.

Barry Checkoway, as general series editor, has ably and wisely guided the creation and continued development of *The Civic Series*. BTtoP also is indebted to each editor of the forthcoming volumes—Peter Levine, Ashley Finley, and Jill Reich—for their insights, patience, and achievements in identifying and encouraging the work of colleagues and contributing authors.

Jennifer O'Brien, BTtoP project manager and coordinator of strategic planning and development, succeeds in keeping the

energies and expectations of all associated with BTtoP in perspective, collaborating, and supporting common patterns of direction and achievement.

Particular expressions of appreciation and acknowledgment are extended to Dylan Joyce, BTtoP project associate, who has generously offered and achieved thorough editorial guidance, fact-checking and assisting in compliance with the Chicago Manual of Style for all the manuscripts published in *The Civic Series* to date. He has done so with the appreciated additional "eyes" and insights of David Tritelli, editor of *Liberal Education*, and of Liz Clark, who has designed the positive appearance and layout of *The Civic Series*.

It is in recognition of the contributions and leadership of the many who have participated with and guided the work of BTtoP, and in anticipation of all who may benefit from its use to encourage and support the realization of their own institutional civic mission, that *The Civic Series* is dedicated; thank you.

*Donald W. Harward*  
Editor

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### ABOUT THE EDITOR

Donald W. Harward is president emeritus of Bates College in Lewiston, Maine. Since 2002, when he cofounded Bringing Theory to Practice (BTtoP), he has been its director, working with hundreds of colleges and universities that have been involved with or received grants from BTtoP. He is also the editor of *Transforming Undergraduate Education: Theory that Compels and Practices that Succeed and Civic Provocations* (Lanham, MD: Rowman & Littlefield, 2012).

## INTRODUCTION AND FRAMING ESSAY

*Donald W. Harward*

THIS VOLUME of essays, *Civic Values, Civic Practices*, is the second in a series of five. It is intentionally organized to open the discussion of what constitutes the nature of the civic—its implications and the relation of matters civic to the mission of higher education.

The volume opens with a set of five very brief “perspectives”—each injecting a dimension of the civic, but without elaboration, developed content, or extensive argument. These are “position taking” essays that would need further backing, evidence, and warrants to justify the claims being made. Their purpose is to assert early the complexity of matters that connect to civic values and practices. The range of topics is much like the intertwined pieces of hemp rope—each strand identifiable; apparent connections and overlaps are ample; but no claim is made connecting the whole. Nor is there an offer of necessary features that define the whole. This, in part, is what makes considering civic values and practices both intriguing and puzzling. The promise of making inquiries regarding the civic lies in the discovery of limited connections, the creation of a complex web of associations, and the restraint from demanding an essentialist analysis.<sup>1</sup>

Following the opening “perspectives” is a set of eight more fully developed essays that point to discovery—not to definition or the articulation of what is universally agreed upon or classically argued. The entire volume raises questions and provides insights, but it does not stipulate definitions or conclusions. This fits with the anticipated uses of this monograph and with the volumes that will follow in the series. Our collective intent as editors of *The Civic Series* is to open dialogue, to explore subtleties and complexities, to invite participatory considerations, and to recognize that civic expertise is not assigned to a few.

The eight chapters explore selected contentious matters in some detail. The authors present arguments and evidence that move beyond simply making a claim—framing similar questions, while providing different emphases. The purpose is to stimulate the reader’s examination of the strength of the claim and its relevance to the other dimensions of what the civic means or implies.

In addition to the objective of stimulating more thorough and thoughtful consideration of the meaning and scope of what the civic suggests, the second objective of the volume is to encourage agency. By providing a broader and deeper understanding of the civic, and of civic learning and actions, we open means for giving students examples and patterns of practice—developing agency for engagement—and for moving from understanding to action.

Voting behavior, while important (and quantifiable), may not mark the extent, or even the most robust (except where it is intentionally restricted or prevented), aspect of civic action. What does constitute the mark of an action being truly civic? Does conscientious objection count? Does civil disobedience? Does public

service? If higher education has the unique position and responsibility of providing learning opportunities that are the necessary conditions for the development of deep civic action, how can the civic be infused in a course or discipline? Are there civic pedagogies? Civic curricula? Are there structural features of the academy that inhibit civic learning and civic practices? What do “broaden and deepen,” as horizontal and vertical dimensions of civic learning and civic acts, actually mean?

By broadening and deepening the civic, civic learning, and civic acts—and by encouraging, supporting, and celebrating their connection—the civic mission of our institutions and the unique civic responsibility of higher education in a democracy can be appreciated and realized. No other social or cultural institution establishes the necessary condition of connecting higher learning to civic action.

Chapters in this monograph suggest alternative approaches to crafting a deeper and broader understanding of civic values, and transitions of that understanding to civic practices. The chapters exhibit the threads that overlap in complex ways. They range from exploring how civic values link to the law, to their balance with principles of fairness and justice, to the relation of civic values to living in a world of increasing difference, to how civic values challenge practices exhibited in the treatment of undocumented students, to the consideration of a global ethic resting on trust and the communication of shared interest.

#### FRAMING DIMENSIONS AND STRATEGIES THAT BROADEN AND DEEPEN

Strategies and practical steps taken within the campus context can move discussion from the consideration of what it means to initiate broader and deeper understanding of the civic and civic learning to the planning, implementation, and assessment of actions—curricular, pedagogical, and structural. Campuses and campus cultures are at very different places on any continuum of exploring and expanding dimensions of the civic. For some, little encouragement is needed to stimulate significant advances—they are, indeed, higher education’s true leaders in expressing the civic. For others, determining how best to begin the discussions that could lead to change is the task. Often, an initial step has been to ascertain from various constituencies within the campus community what they perceive to be the institution’s own civic mission (however they understand it). What would be required in order for that mission to be an institutional priority? What would be needed to see the civic mission connected to the attention and work of all faculty, students, and staff, as well as to many beyond the campus?

Including the involvement of the campus’ multiple constituencies is itself a prelude to broadening—as doing so leads to securing institutional resources and multiple efforts needed to deepen the mission through the curriculum, through

the practices of engaged pedagogies, through structures and policies, and through the creation of expectations and the reinforcement of reward systems.

It has been equally important to consider the internal and external factors that will affect any strategy intended to broaden and deepen the civic mission. What is the level of readiness to do so? Who is already leading efforts? How many, what, and when are action steps to be taken? Can successfully realizing the civic mission as a priority occur without blending functional boundaries that currently may, as structural realities, inhibit opportunities and outcomes?

For many institutions, among the greatest challenges are the implications of adjusting reward systems, and the reconsideration of the organizational structures and how responsibilities are established and honored within those structures. Often it is sufficient just to list gains and challenges and to note that each item mentioned will need more attention—and that subsequent attention will be given in the context of how it fits or is weighed in the overall achievement of giving the civic mission the same priority as other core objectives of the institution. Doing so openly is likely to generate greater participation, sharpen expectations, and will usually limit localized self-interest.

Subsequent to assessing what is likely to enhance or inhibit any efforts to make a priority of expressing and realizing an institutional civic mission is the crafting of a broad strategy that will be used over a defined period. This is likely to be a multifaceted strategy, implemented at various levels, and evaluated in its effectiveness. From the experiences of many institutions, the successful strategy will build upon and connect to the most significant and sustainable aspects of the campus's existent and historically identifiable culture for learning. The work is done progressively and typically grows in how it uses and needs resources, adding them as it demonstrates successes.

The core strategy affects the campus culture by generating broader and deeper civic learning opportunities. This will mean increasing their volume and intensity, their intellectual rigor, and how they connect to civic principles and values. It will mean increasing the expectation of students to engage in those opportunities and to recognize dimensions of those opportunities that are challenging—including challenging long held assumptions and perspectives.

Unless the scope and the meaning of “civic” for higher education is broadened and deepened, strengthening and realizing a campus civic mission will not be seen as central. If not addressed by all faculty (regardless of discipline), by all units of the institution (regardless of their charge), and by all students (regardless of their goals), the civic mission will remain peripheral. And it will be seen as the work of only a few within the campus. Without a core intentional and inclusive strategy, the full civic mission of our institutions of higher education will not be understood or realized. The unique responsibility of higher education to be the provider of the opportunities for broad and deep civic learning and practiced agency will not be met.

To be intentional and inclusive regarding broadening and deepening civic learning involves the full scope of the campus and its collective commitment to a learning culture. Learning is not a category of descriptive acts; it is a more relational than descriptive concept. Whether learning *that* or learning *how* or learning

*why*, the learner stands in relation to an object—what or who is ‘other.’ Possible objects include a state of affairs, a practice, a set of beliefs, or a judgment. In all cases, values of respect, integrity, trust, and both civic and individual worth guide how one stands in relation to those objects—making possible, for example, learning from, confronting, and living with difference. Faculty and academic leaders craft the volume and quality of opportunities for the learner to engage in those relationships.<sup>2</sup>

Standing in such relationships, and engaging in opportunities to do so, is expressed in actions, many of which can be cognitive acts such as remembering, analyzing, informing, subscribing, contending, discovering, and confirming. But these actions can also be more than cognitive. They can be risk taking; they can be lived, expressed, performed, exhibited, led, challenged, and defended. Through various actions, and the multiple processes they will involve, the learners reveal (through dispositions and behaviors) their commitment to values and principles. In this respect, to craft civic learning opportunities is to craft those opportunities in which the learner engages cognitively and beyond. They are “civic” in the sense of revealing and giving preference to valuing what is beyond self-interest—equality, diversity and cooperation, insight and judgment, trust and tolerance, and the risks of engagement and defending perspectives, including contrarian ones.

To be civic learning, opportunities for engagement must be directed to actions—actions that address the real and challenging problems in our, or any, democracy. When actions are based on community values, democracy advances. So advancing civic learning should be about both how to create the opportunities for engagement and how to encourage actions that reveal and give preference to community—and that value the support of community—close by and far away.

An insightful example of this point appears in a March 2013 interview with Henry A. Giroux, who considers the necessity for higher education to meet its responsibility by providing civic learning opportunities as perhaps the only way a diminished democracy might be restored:

*To be civic learning, opportunities for engagement must be directed to actions—actions that address the real and challenging problems in our, or any, democracy*

Higher education must be understood as a democratic public sphere—a space in which education enables students to develop a keen sense of prophetic justice, claim their moral and political agency, utilize critical analytical skills, and cultivate an ethical sensibility through which they learn to respect the rights of others. Higher education has a responsibility not only to search for the truth regardless of where it may lead, but also to educate students to make authority and power politically and morally accountable while at the same time sustaining a democratic, formative public culture. Higher education may be one of the few public spheres left where knowledge, values and learning offer a glimpse of the promise of education for nurturing public values, critical hope and a substantive democracy. Democracy places civic demands upon its citizens, and such demands point to the necessity of an education that is

broad-based, critical, and supportive of meaningful civic values, participation in self-governance, and democratic leadership. Only through such a formative and critical educational culture can students learn how to become individual and social agents, rather than merely disengaged spectators, able both to think otherwise and to act upon civic commitments that demand a reordering of basic power arrangements fundamental to promoting the common good and producing a meaningful democracy.<sup>3</sup>

Broadening and deepening civic learning requires expanding the dimensions of who and what must be meant and involved. Doing so makes real the linkage of the civic to diversity, to international issues, to any discipline, and to multiple curricula and pedagogies. Doing so means seeing beyond the scope of traditional civics or government courses to what is profoundly part of the meaning of the learning of anything at all—and, as such, seeing the civic as part of the core mission of higher education.

The work over the last thirty or more years to broaden and to deepen what must be meant by “interdisciplinary study or inquiry” reveals an analogous challenge. The boundaries among disciplines did not mark many of the most interesting questions. Faculty and other scholars began approaching their areas of study and the problems they were interested in exploring with interdisciplinary “mindfulness,” an openness and a willingness to explore. The boundaries relaxed, and what emerged were locales that harbored interdisciplinary study—often organized as “centers.” As those locales were resourced and as they succeeded, their work was energized and reinforced by others—including students and faculty, administrators, scholarly outlets, and graduate schools. Within the institution and beyond it, pursuing, valuing, and rewarding interdisciplinary inquiry, research, and teaching began to take hold. All of this was quite positive, but as localized structures or defined centers were built, implicit boundaries developed. Many in the institution said “interdisciplinary study goes on over there in the center, so there’s no need to think about it here in our department.”

What could have been restrictive and prohibiting—i.e., another set of structural barriers—had interdisciplinarity remained focused only within a separate center, was not. Instead, the very notion of what constituted a field or discipline expanded. Faculty members did not see any difference between what they would teach in the discipline and what was scheduled to occur within a center. Biological studies embraced biochemistry; chemistry systemically included topics that had only been considered in environmental studies; literature and language embraced gender topics until an entire field emerged with its own epistemological emphases; history came to include African American culture as one of its core aspects—until it, too, emerged as a full field of inquiry. From parts of courses to entire courses, from occasional opportunities to minors then majors, and then to defined fields with major scholarly outlets, interdisciplinary inquiry developed. Faculty, courses, research, journals, and graduate programs helped move interdisciplinary inquiry from occurring only within a designated and limited arena to being infused or inculcated in multiple dimensions of the campus culture.

## THE PROGRESSION OF BROADENING BEGAN WITH A DISPOSITION— THAT OF “BEING MINDFUL”

So what might this suggest for the choice of means for broadening our understanding of a civic mission? Keeping the interdisciplinary analogy in mind—and it is only an analogy—we may want to ask whether there is a comparable progressive model for civic learning. Is it possible and is it desirable to move from asking faculty and students to be “civically mindful” to developing curricular, pedagogical, or structural models—which may include an administrative unit described as a center—that attend to the civic mission and civic learning? As a result, the civic mission would be progressively infused, imbued, at the institution’s core—both in theory and in practice.

If moving to the core of the institution and campus culture were desirable, could it use such means as:

- encouraging all to be “civically mindful”—freeing the imagination with regard to what an opportunity for civic learning (in its broader and deeper meaning) might be—regardless of the course or the task;
- infusing the civic throughout the curriculum—scattered in many learning contexts or infused throughout a clear architecture of opportunities that build upon one another as part of general education;
- having the core academic structures (e.g., departments) of the institution consider other structural dimensions of the campus (e.g., the dean of students office), as well as community concerns, plans, and resources as inherently relevant, in fact, indispensable, to meeting their own departmental civic mission;
- using both on-campus and off-campus pedagogies valued for their capacity to provide opportunities for active engagement and the addressing of real problems;
- rewarding uses of each of these—civic curricula, civic pedagogies, civic scholarship, and structural changes—and valuing both the user and the contribution they make locally and more widely in the profession.

Viable opportunities for moving from civic learning to practiced agency and engagement have, on many campuses, included preparing background briefs for indigent clients seeking public assistance, providing volunteer health advocacy and counseling, measuring pollutant levels in local streams; recording oral histories, tutoring in a local juvenile correction center, coaching in a neighborhood sports league, standing for elective office, canvassing, drafting petitions, and so on. Civic actions are actions of engagement in the interest of a common good and guided by principles and values. From publishing a poem or “tweeting” a message that galvanizes public sentiment to act, to engagement in a protest that is essentially contrarian, to supporting an underfinanced and unpopular initiative—each could fall within the constellation of civic acts encouraged and supported as a consequence of civic learning. Higher education has, in this respect, the dual responsibility of making possible broad and deep civic learning opportunities as well as the encouragement of agency—and by doing so reinforcing for all learners civic values of respect, integrity, and the virtues of self-discovery shaped by engaging what is other.



While the array of civic actions is wide, are there those that higher education should be particularly, perhaps uniquely, prepared to encourage? Are there features of some civic actions that are the result of significant engagement of the sort higher education can (perhaps uniquely) offer and deliver?

BEYOND BROADENING, THERE IS DEEPENING—TO DO SO, CONSIDER THE DISTINCTION MADE BETWEEN “HORIZONTAL” AND “VERTICAL” CIVIC ACTIONS. Except in those contexts where the right to vote is not present or suppressed, “registering to vote, heading to the polls, signing on a candidate’s Facebook page, or tweeting about a policy dispute are horizontal modes of [civic] engagement. . . . each of these behaviors requires a modest level of commitment, little risk is involved and scant reflection is required. The significance of that involvement for future choices and actions [is] also rarely explored. . . . Horizontal. . . [civic] participation is risk averse. . . limiting the resources we must bring to bear.” They are civic actions only in this milder sense of civic—“[not] risking our resources (time, reputation, or well-being).”

“Vertical participation entails a deeper understanding of the obligations and opportunities for substantial, prolonged engagement. . . . It builds upon the cultivation of information by calling upon the participant to apply information in strategic ways, and by merging with like-minded citizens in concerted, specific activities. It necessarily entails both commitment and risk”<sup>4</sup>

There is a basic connection between vertical civic action and civic learning opportunities provided by the college or university. If civic learning is a relational concept, practiced on our campuses in profound and frequent opportunities for engagement, then the learner is encouraged, even expected, to be involved. The learner, in the context of higher education, acknowledges and respects what is beyond self—what is other—and in doing so moves from intellectually and behaviorally risk-averse dispositions to seeing the risk of engagement in learning as inherently important.

The risks include requiring the learner to put her own views and values into play—asserting and defending why the integrity of what is beyond self is an issue. The risks also include possibly falling short or having one’s views rejected by others or by the conventional perspective. Higher learning requires recognition of contrary or challenging perspectives; it insists on recognizing how learning is linked to an obligation to act—specifically to exercise actions that frame and justify open, democratic social values, practices, and justice. In this respect, the civic mission of higher education, in particular, is to encourage, support, and expect risk taking. Civic learning is a precondition for the profound civic action required in an open society.

Voting and participating in political processes are important and necessary civic acts. But going to the polls where voting is suppressed, organizing or leading a campaign, volunteering when doing so opens you to organized harassment—these can be vertical civic acts. They involve commitment, risk taking of the sort described above, and reflective and engaged judgment guided by civic values. And these are just the features, elements, and opportunities that higher education—higher learning—uniquely provides!

So the movement or realization of the civic mission of the institution occurs along both horizontal and vertical axes. It may include moving from a localized administrative center to the institutional core. And it will include learning opportunities that involve more vertical civic action—including, but clearly moving beyond, activities that coincide with voting cycles, or service learning, or voluntarism, or even community-based research. They begin by stretching the learner, asking the learner to be civically mindful, to recognize the values, obligations, and risks of understanding and action. Attention to the civic is rooted in the very intellectual and learning core of the institution in multiple ways and with multiple levels of intensity and intentionality. Accordingly, opportunities for civic learning are not occasional, but occur throughout the curriculum and across conventional structural boundaries. Beyond structural “walls”; beyond “oppositional” thinking; beyond academic affairs vs. student affairs, or off vs. on campus, or faculty teachers vs. non-faculty teachers, or town vs. gown—campuses can be exploring the multiple and meaningful patterns of connection. Such exploration can respect the independence and integrity of what is other—both remaining complexities apart, but complexities connected.

Being “civically mindful” can begin the progression of institutional changes and the realization of a deeper civic mission. Doing so by faculty or by staff is to appeal to what many educators have always found liberating as the basis of their work, for most educators see their work as having civic dimensions and implications—attending to public value and to fostering a “better world.”

In any discipline, in any course, in any mentoring or advising context, to ask to be “civically mindful” might lead the faculty member or staff person to rethink examples, activities, assignments, case studies, experiments, paper topics, mock debates, or out-of-class research. Each could be an opportunity for civic learning. Civic learning can even begin with the posing of engaging questions and the subtleties they provoke: For example, “What constitutes a public space?” Or “What are the implications of providing public access to this basic research?” Such questions could be used as provocations in a communication or history class, an architectural study, a course in urban economics, in the seminar on the physics of light and lasers, or in the counseling session between student and advisor regarding employment opportunities in nonprofits. They are “moments of engagement,” “moments of civic learning.”

The progressive development of a strengthened campus culture for advancing civic learning might then include broadening and deepening the understanding of the nature and extent of what constitutes “the civic”—as a noun, rather than an adjective. Doing so may lead to multiple substantive and cross-boundary courses or full curricular initiatives, opening windows to a wider range of contexts for learning, such as the following:

- Programs in which students have opportunities for direct experience of being intellectually and culturally confronted, of having their assumptions challenged

*Attention to the civic is rooted in the very intellectual and learning core of the institution in multiple ways and with multiple levels of intensity and intentionality*

by confronting, and being confronted by, diversity and cultural difference. Or internationalization seminars that ask what constitutes citizenship: who counts and why? Global ethics and global values inquiries that ask whether a non-anthropocentric ethic is defensible. Or studying and learning from mass political movements and the variations of democracy that are existent beyond our own.

- Law and justice programs in which a common question gets posed regarding the balance of civil rights and civil liberties and why authority or power should be aggressive in protecting rights but withdrawn from affecting liberties. How is such a balance to be determined in a democracy?
- A set of laboratory courses—intentional about being inclusive of students, faculty, researchers, and practitioners—could be focused on the civic implications of empirical discoveries and the processes used in making them—not as an “extra” element but as exemplifying the very meaning of “research in the public interest.”
- Public and social policy courses and programs can examine forms of policy promulgation, enforcement, and subsequent assessment. What are policy “costs,” and how are they measured if attention to fairness or justice is given priority? Or how can a variety of “decision procedures” (e.g., design or game analyses, economic modeling, or group decision processes across cultures) be examined for their effectiveness in addressing global challenges such as the paucity of fresh water or a pandemic?
- Journalism, communications theory, and implications of the use of social media could lead to asking the question, “What and who constitute authority or expertise? If we attend to views only compatible with our own biases (a pattern more and more observable in what we read, or listen to, or view), are the benefits of engagement lost?”
- Opportunities for educating future teachers of the visual and performing arts could explore the extent and value of public art—considering both mosaics and graffiti—and raise questions as direct as, “Why is the music of a community band worthy of academic study?” And by doing so, they could begin to explore dimensions of the civic.
- Legal ethics and the meaning and extent of human rights are contexts in which we can ask, “What are the processes of resolving violations or conflicts re human rights? What civic principles underlie decisions to allocate natural resources? Does a US citizen have standing for challenging India’s massive fossil fuel release of carbon dioxide? What is the civic, as opposed to the moral, basis for opposing genocide? Is there a civic basis for resolving a conflict of cultural values such as religious hegemony?”
- A mathematics course could imbue civic topics into the syllabus and into student research projects, using quantitative analysis to explore disparities in public school funding, loan structure variations for low-income home purchasers, and the injustices in court decisions made due to misunderstanding or ignorance of probability and probabilistic evidence.

These (and many others) are exemplary of the opportunities that could instantiate what it would mean to explore, to study, and to engage in civic learning—and, thereby, broaden and deepen the campus culture for learning.

By so doing, a campus would not be engaging in “mission creep,” nor would it be asking faculty to go beyond their expertise. The campus would not be asking for faculty and staff to perform extra work; rather, it would be coming to an understanding of what “civic work”—learning and action—really is. The campus would document how robust and central it is. It would celebrate those who help realize it as well as how and where it is made manifest. If one starts by encouraging civic mindfulness, by asking pointed questions about the implications and uses of what is being studied, assignments or probes follow. Some will move to concentrated and intentionally designed courses and other curricular opportunities. Some will use the structure of an administrative center to energize progressive efforts throughout the institution—i.e., to be one of the important agencies of action. Others will move beyond considering civic learning as something that is done by colleagues “over there” and, instead, see it as central to their own disciplines. Still others may see the path to participation in a definable discipline—e.g., civic studies. All will come to explore how the campus can be civically engaged in new and mutually beneficial ways that recognize and respect the interdependency of learning and action.<sup>5</sup>

One expression of a viable means for achieving that last point could be the step of developing a cadre of “civic-learning associates,” many of whom might be practitioners in the community or beyond. “Civic-learning associates” could be connected to community-based research projects where the community has identified the need; they could be colleagues in any practicum—identified, selected, rewarded, and valued. In many cases they might be connected only by virtual communication and media forms, making the connection practical and inexpensive. “Civic-learning associates” would offer a resource that expands student research opportunities and would exemplify the porous nature of the boundaries among the civic learner, the teacher, and the practitioner.

#### MOVING FORWARD THE CAMPUS CONVERSATION

But what agency moves these and other means forward? How does an institution take theoretical agreement about objectives, strategy, and even specific means and move to the “human steps” required to move the process? How does it move from theory to the complexities and uncertainties of practice? Whatever is needed to galvanize action (whether the impetus comes “top down” in the form of policy, or “bottom up” in the form of encouraged behavior), at the heart of any practice will be the establishment of relationships—confirming collegiality and the shared commitment to fully realize the mission of the institution. The impetus may come from students or the president, from a committee and its charge, from centers where relationships have a history, from the multiple informal conversations and disagreements that vitalize a campus, or from the credibility gained by receiving support and encouragement from an external source. Whatever the impetus, the formation of a core but diverse group, one that is inclusive of multiple perspectives and responsibilities, usually follows. From thorough discussion (the initial considerations of priorities, of internal and external constraints and strengths, of a core strategy and clear and assessable objectives) comes the development of a process (means and how to implement them), the assignment of responsibilities

and leadership, the securing of resources. The result is the growing commitment to civic learning, and the realization of a civic mission.

Whatever the steps, the appraisal, review, reconsideration, and evaluation will warrant other progressive steps. There is no end to what can be done on any path of transformation. But every step—even less successful ones—will deepen, sharpen, and qualitatively improve the campus culture for learning by crafting the opportunities for student engagement that are uniquely the obligations of higher education.

The framing of these recommendations and suggestions has been simply to encourage a direction of progress—helpful, regardless of where the institution is on any journey of change. They do not comprise a prescription. However, they do reflect the achievements of the many, now hundreds of institutions of all types from whom Bringing Theory to Practice has had the privilege of learning, as we have accompanied them on their journeys.

The perspectives and chapters that follow raise the issues and opportunities for discussion and consideration that can be guides to institutional progress. In our experience, progress in the work of higher education is the result of inclusive and strategic local dialogues that stimulate ideas and campus actions. The ideas presented in this monograph and *The Civic Series* are intended to help provoke such discussions that can lead to broad and deep learning opportunities, policies, practices, and rewards that make manifest a civic mission and the special role that higher education must fill in a democratic open society.

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## NOTES

1. Exemplary of this point, various “strands,” dimensions of what has been considered a civic value, will appear, at least implicitly, in each perceptive and chapter—a function of the author’s selection of emphasis. However, no set of defining strands is sought in the monograph; in fact, the argument is that they need to be discovered, not prescribed. Surveys asking community organizers which specific civic values they would highlight yielded the following list: integrity (keeping one’s word or promise); respect (acknowledging others’ points view); openness (sharing information, meeting in public); participation (working with others in joint effort); aspiration (preparing for a better future); responsibility (volunteering and exhibiting other ways of supporting); and cooperation (focus on common goals and the public good). See Lloyd P. Wells and Larry Lemmel, *Recreating Democracy: Breathing New Life into American Communities* (Woolwich, ME: Center for Consensual Democracy, 1998), 38.
2. See Donald W. Harward, *Transforming Undergraduate Education: Theory That Compels and Practices That Succeed* (Lanham, MD: Rowman & Littlefield, 2012). The analysis of learning as a relational, not a descriptive, concept is presented in part I. Viewing learning as having access to the volume and quality of opportunities for engagement is an important alternative to the current discussion of what ails higher education. In all too many cases, opportunities for engagement are not available, encouraged, or expected. And in all too many cases the existent opportunities are being cut in favor of “more efficient” means of simply providing information—missing entirely the meaning of “higher learning”.
3. C. J. Polychroniou, “Neoliberalism and the Politics of Higher Education: An Interview with Henry A. Giroux,” *Trouthout*, March 26, 2013, <http://truth-out.org/news/item/15237-predatory-capitalism-and-the-attack-on-higher-education-an-interview-with-henry-a-giroux>.
4. Brian Harward and Dan Shea, “Disrupting Filters to Deepen Students’ Political Commitment,” *Transformative Dialogues: Teaching and Learning e-Journal*, August (2012): 3–4.
5. An additional perspective on how engaged learning connects to civic action is described in a study of how those in the academy (students and faculty) view the role of community partners (who are co-responsible for the creation of civically engaged learning opportunities) in the

creation of knowledge. Such views (and the reciprocal view of the academy's role by community partners) are part of what is described as "the politics of knowledge." Analyzing (using empirical evidence through interviews, surveys, and reflection) the "politics of knowledge" offers insights into the nature of civic values—where they are held and by whom as well as how they connect to civic learning and actions. See Emily W. Kane, "Student Perceptions of Community-Based Research Partners and the Politics of Knowledge," *Michigan Journal of Community Service Learning*, 19, no.1 (2012): 5–16.

PART 1

Perspectives  
on the Civic





# The Civic within the More-than-Human World

*Carl Benton Straub*

THE CIVIC AROSE when the forests were cleared. Life in the clearing constitutes the civic. The expansion of the civic has always been at the expense of the forests. Robert Harrison reminds us that the governing institutions of the West, all of them sanctioned by the prevailing civic culture, “originally established themselves in opposition to the forests.”<sup>1</sup> Our cultural inheritance continues to nurture the perception that the community within which our species dwells, and the one that defines what it means to be responsible selves, is the community of the clearing.

The 2012 report from the National Task Force on Civic Learning and Democratic Engagement (*A Crucible Moment*),<sup>2</sup> and the initial volume in Bringing Theory to Practice’s *The Civic Series (Civic Provocations)*,<sup>3</sup> reflect the ethos of the clearing. Those publications are confirmations of the felt immediacy of human society as the context sufficient for identifying current educational challenges. Despite scattered references in *A Crucible Moment* and *Civic Provocations* to life beyond the clearing, they seem to suggest that the public good stops where the clearing meets the forests or, to move beyond Harrison’s language, where civic life meets the more-than-human world. This focus reflects, at best, a provincial understanding of what makes human life human. The implied anthropocentrism is disappointing.

Here, then, is my provocation. The first task in “bringing theory to practice” is to disentrall ourselves of any notion of the civic that ignores rather than embraces our fateful entanglements with the natural world. I believe this provocation is aligned with significant cultural changes just beneath the surfaces of public life.

Such changes include a reawakening to our inescapable interdependencies with nature. They also include growing acknowledgement that our civic ideal is flawed through the West’s sustained efforts not only to emancipate our kind from the perceived hostility of nature, but also to claim that we have dominion over nature. We are coming to see the folly of Gilgamesh in ancient Sumeria: as the legend goes, the king cut down all the forests outside his city’s walls so that nothing could be disobedient to his rule. My provocation is that we need to reexamine the insular shape of our civic ideal. We need to be certain that the

inherited construction has the resiliency to guide us through a new age of necessary reconciliations with the earth. This is not a matter of global ethics; it is a matter of caring about varying local ecologies.

The reimagining of the civic through a biocentric perception of our situation is consistent with a commitment to community beyond the self. New emphases must move the commitment beyond the comfort zones typified in current reports and discussions. We need to discern nonhuman variables as having inherent worth deserving of respect. We need a new politics for articulating justice within new precincts. A new calculus of what to conquer and what to preserve must guide development of fresh postulates defining the public good and fresh paradigms for a more robust stewardship of place. Our pursuit of a “more perfect union” must include ensuring the integrity and biodiversity of the earth’s

ecological systems, thereby preserving habitats for those outside the civic. The conservation of land—soils, waters, plants, and animals—needs to accompany the promotion of human welfare.

I want to emphasize this last point. There is an abiding reciprocity between our social order and the patterns of life surrounding us. Nature tutors us with civic lessons. Land nurtures civic dispositions. I cite only three. First, land conserves human memory, sustaining us as historical creatures. Landscapes are vessels of remembrance. When we retrace them, they ignite stories, memories, of what happened to move us along our ways. Simon Schama writes,

“National identity...would lose much of its ferocious enchantment without the mystique of a particular landscape tradition: its topography mapped, elaborated, and enriched as a homeland.”<sup>4</sup> Narratives of the American civic experiment are preserved in particular places: Antietam and Gettysburg, grassland prairies and the Black Hills. Our civic experiment is framed between sea and shining sea.

Second, land also provides a scale for measuring our stature on the great orb, sustaining us as creatures capable of self-knowledge. Nature’s opacity refutes our dominion. It deprives us of vainglory and of accompanying ideologies. Finally, land refreshes our acuity as sensate selves, sustaining our aesthetic tastes and moral empathies. These sensibilities, in turn, help keep us alert to the subtle, intricate, and at times fragile tapestry of our human life together.

To remember whence we have come, to be honest about the limits of our creatureliness, and to sense the different dimensions of harmony and disharmony in all of life, are profoundly important dispositions fostering civility.

It is propitious that our shared task centers on transforming campus cultures into contexts for civic engagement. Of all the institutions shaping democracy, those of higher education may be able to jump in with bold and imaginative renditions of a new ecological civic. The collegiate presence of the sciences and the humanities may help ensure that the social sciences alone do not set the parameters for engagement. The prospect of an increasingly interdisciplinary fabric for reflection may help fortify awareness of the seamless character of life.

*The first task in “bringing theory to practice” is to disenthral ourselves of any notion of the civic that ignores rather than embraces our fateful entanglements with the natural world*

But there is also the campus presence of students whose youthful adventures with the natural world have often—not always, but often—tutored them in the civic lessons cited above. Their very youthfulness brings resiliency for reconciling civic journeys and civic goals with more primordial pathways and distant outcomes of the natural world. My provocation arises in part from hope in our students.

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#### NOTES

1. Robert Pogue Harrison, *Forests: The Shadow of Civilization* (Chicago: University of Chicago Press, 1992), ix. I am indebted to Harrison's brilliant study for the image of the forests' clearing.
2. National Task Force on Civic Learning and Democratic Engagement, *A Crucible Moment: College Learning and Democracy's Future* (Washington, DC: Association of American Colleges and Universities 2012). With funding from the U.S. Department of Education to assess the state of civic learning in higher education, GPI, Inc. and the Association of American Colleges and Universities co-directed the Civic Learning and Democratic Engagement project for which a national task force was appointed. A series of national roundtable meetings of college presidents, higher education civic researchers, faculty, student affairs staff, civic organizational leaders, philanthropists, and policy makers was held to help shape the National Call to Action that eventually led to the publication of this report.
3. Donald W. Harward, ed., *Civic Provocations* (Washington, DC: Bringing Theory to Practice, 2012).
4. Simon Schama, *Landscape and Memory* (New York: Knopf, 1995), 15–16.



# Academic Freedom as the Necessary Condition for Any Civic Mission of Higher Education

*Roger Bowen*

IF THE COLLEGE EXPERIENCE is to serve as something more than a laboratory for mixing civic values into the curriculum, if it is to serve students by helping them become civic-minded citizens in their post-graduate lives, then the sine qua non of college intellectual life must be a deep, firm, and demonstrable commitment to the value and practice of academic freedom.

Academic freedom is a value and a practice, as well as a condition fundamental to democratic life. Its existence on campus is as central to promoting civic engagement as freedom of speech is central to promoting vibrant discourse in a democratic nation. As a value, academic freedom recognizes the equal right of all members of the academic community to seek and speak and write about disciplinary truths unencumbered by any rule, regulation, or convention that smacks of censorship. As a practice, academic freedom is exercised in every college course dealing with controversial material and, further, guarantees protection of all students and faculty who, in writing or orally, dare to question conventional wisdom. And as a condition, academic freedom is an environment that tolerates dissent, encourages civil discourse, and rewards creative thinking.

*Academic freedom is a value and a practice, as well as a condition fundamental to democratic life.*

*Its existence on campus is as central to promoting civic engagement as freedom of speech is central to promoting vibrant discourse in a democratic nation*

On too many campuses, academic freedom is not discussed until members of the community allege that it has been violated, much as freedom of speech is not discussed until someone claims that their First Amendment right has been abridged. Such is the plight of today's college campus and American democracy. But at least in American elementary and high schools most students will have been exposed in a civics or government or history class to the importance of the First Amendment to securing democracy. It is baffling that colleges do not provide a similarly modest degree of exposure to the importance of academic freedom early in students' undergraduate years.

And it is a missed opportunity. How better to expose college students to an atmosphere of vibrant intellectual exchange than by offering first year students

a primer on the meaning and practice of academic freedom? How better to convey to new students that they have the right—and, arguably, the responsibility—to engage fellow students and faculty in debate as well as the opportunity to question theories and assumptions? Dare to think “outside the box,” we encourage students, but then we fail to provide them with the ethical structure of academic freedom that has informed higher education historically and that today marks the difference between the passive learning of precollege education and the active learning that colleges tend to promote.

The 1940 *Statement on Academic Freedom and Tenure by the American Association of University Professors* (AAUP) asserts that “institutions of higher education are conducted for the common good.... The common good depends upon the free search for truth and its free exposition.”<sup>1</sup> The notion went global in 2005, when the first Global Colloquium of University Presidents, a gathering of “more than 40 university leaders [i]n response to the United Nations Secretary-General’s request for greater involvement of the global academic community in exploring international public policy concerns”, offered the following definition: “At its simplest, academic freedom [is] the freedom to conduct research, teach, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.”<sup>2</sup>

As a practical philosopher and as a founder of the AAUP, John Dewey understood the importance of academic freedom to fostering a democracy. In establishing the importance of academic freedom to the university, he wrote: “In discussing the questions summed up in the phrase academic freedom, it is necessary to make a distinction between the university proper and those teaching bodies, called by whatever name, whose primary business it is to inculcate a fixed set of ideas and facts. The former aims to discover and communicate truth and to make its recipients better judges of truth and more effective in applying it to the affairs of life.”<sup>3</sup>

And what is a college or university education worth if it does not give students the information needed to discern the difference between mere opinion and established fact—a distinction that underscores the meaning of an “informed citizen,” something all colleges hope their graduates will become?

No less an authority than the United States Supreme Court has ruled that academic freedom is “a special concern of the First Amendment,”<sup>4</sup> but the First Amendment actually guarantees the negative freedom *from* government interference with an individual’s right of free speech. Academic freedom—both the *freedom to* teach and the *freedom to* learn—is a positive freedom that colleges and universities have an obligation to preserve, protect, and promote. By nurturing academic freedom on the campus, colleges will be educating our students for active, positive participation in the democratic dialogue and debate that is central to our civic society.

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#### NOTES

1. American Association of University Professors, “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments,” in *AAUP Policy Documents and Reports*, 10th ed. (Baltimore: Johns Hopkins University Press, 2006), 3.

2. Michael W. Doyle, Johanna Fine, and Matthew Moneyhon, eds., *Report of the First Global Colloquium of University Presidents* (New York: Columbia University, 2005), [www.columbia.edu/~md2221/gcreport6\\_28\\_05.doc](http://www.columbia.edu/~md2221/gcreport6_28_05.doc).
3. John Dewey, "Academic Freedom," in *John Dewey: The Middle Works, 1899–1924*, vol. 2, ed. Jo Ann Boydston (Carbondale, IL: Southern Illinois University Press, 2008), 53.
4. *Keyishian v. Board of Regents of the University of the State of New York*, 385 U.S. 589 (1967).





# Ben's Best Idea: Higher Education for Civic Engagement

*John J. DiIulio, Jr.*

*COMMUNITER BONA PROFOUNDER DEUM EST.* That is Latin for “To pour forth benefits for the common good is divine.” It serves as the motto of the Library Company of Philadelphia, founded by Benjamin Franklin in 1731. It could, however, just as easily have been the motto of the “academy and charitable school” that a Franklin-led group of prominent Philadelphians opened in 1751, and that became what is today the University of Pennsylvania, better known as Penn.

Central to Franklin’s vision for Penn—and, indeed, for all institutions of higher learning—was his conviction that, with all due regard for ancient arts and letters and for modern humane learning, a democratic republic’s colleges and universities should be both in and of their place and time. Most particularly, they should seek to equip and empower young people for leadership in government, business, religion, and other human endeavors that bear directly on “the common good.”

Franklin understood the civic value of many different human associations and thought they should be supported both by public law and by social convention. For instance, while he himself was not a conventionally religious man, he gave his own money to Jewish, Catholic, Muslim, Protestant, and other religious groups that he thought did more to unite than divide citizens and that served to spur their cooperation toward common civic ends.

But for Franklin, while the good church or sect was *a* civic institution, the good college or university was *the* civic institution. Its faculty members and its students were to lead and learn, as it were, actively and at the intersection of all the other civic institutions that mattered. The institutions of higher learning were, in effect, to recognize and promote the civic values and best civic practices of all the rest. They were to be the common ground not only for debating and discerning, but also for *doing*, the common good. And they were to engage civic leaders in government, in business, in religion, and in other fields.

Benjamin Franklin may have played an important role in the discovery of the electrical nature of lightning, but Ben’s best idea was that higher education institutions were called to research, teach, and preach civic engagement. They were to hold themselves accountable for translating ideas into action and

theory into practice in ways that benefitted average citizens now and into the future.

For instance, Ben would be delighted to know that his progeny at Penn have published many academic treatises probing the causes and conditions associated with Hurricane Katrina's devastation of the Gulf Coast in 2005. But he would be doubly delighted to know that, in the aftermath of the storm, New Orleans and other places in the region have been the objects of numerous problem-solving

*Benjamin Franklin may have played an important role in the discovery of the electrical nature of lightning, but Ben's best idea was that higher education institutions were called to research, teach, and preach civic engagement*

learning projects that have put scholars and students in the environmental sciences, in the social sciences, and in social work into civic partnerships with the region's government, business, religious, and other community leaders.

By the same token, Ben would be pleased to learn that Penn's medical school continues to make breakthroughs in basic research, but he would be equally pleased that it has organized community-serving health care clinics everywhere from West Philadelphia to Botswana. Research on prisoner-reentry programs would bring a civic smile to his face, and using such research to forge a program that finds jobs for ex-prisoners and

another that mobilizes neighborhood mentors for the children of incarcerated parents would widen that smile.

And among the literally dozens of other Penn units across a dozen different schools that are committed to education for and as civic engagement, Penn's Netter Center for Community Partnerships—which, led by the internationally renowned historian and democratic theorist Ira Harkavy, conducts research projects and offers academically based community service courses—is no less iconic in representing the university's core mission than the School of Arts and Sciences itself.

This Franklin-inspired civic perspective on colleges and universities may be more than 250 years old, but it is still today a radical perspective. For it demands that those who lead higher education institutions be ever mindful of what they give in return (for any form or level of public support) to citizens who are not themselves members of their own particular college or university community.

Were Franklin with us today, he would be far less displeased to know that few top university graduates could translate the aforementioned motto from Latin into English than he would be to know that few are educated around the value and practice of civic engagement. To pour forth benefits for the common good is not only divine; it is a civic duty that no self-respecting institution of higher learning in this or any other democratic nation can or should deny, discount, or disparage.

# Twilight of the Social: Civic Values in the Age of Casino Capitalism

*Henry A. Giroux*

*We are living in a moment of moral smallness, a curdling of generosity, a collapse of idealism.*—IRVING HOWE<sup>1</sup>

THE GILDED AGE is back with huge profits for the ultra-rich. Banks and other large financial service institutions prosper from subterfuge and corruption, while the middle and working classes increasingly face impoverishment and misery. In spite of being discredited by the economic recession of 2008, unfettered casino capitalism remains a dominant force and continues to produce runaway environmental devastation, egregious amounts of human suffering, and the reinforcement of what Charles Ferguson has called “finance as a criminalized, rogue industry.”<sup>2</sup> All over the world, the forces of casino capitalism are on the march, dismantling the historically guaranteed social provisions provided by the welfare state, defining profit-making as the essence of democracy, expanding the role of corporate money in politics, waging an assault on unions, augmenting the military-security state, overseeing widening social inequality, promoting the erosion of civil liberties, and undercutting public faith in the defining institutions of democracy. The script is not new, but the intensity of the assault on democratic values, civic engagement, and public service has taken a dangerous turn.

Within the last thirty years, the United States has been transformed from a society that included a market economy subject to the rule of the state to a society and a government that are now dominated almost exclusively by market values. With the return of the Gilded Age, not only are democratic values and social protections at risk, but the civic and formative cultures that make such values and protections central to democratic life are in danger of disappearing altogether. The ongoing attack on civic values and the social state has taken on the status of a low-intensity war that began with the election of Ronald Reagan in 1980, though its emergent tendencies are deeply rooted in the American past. Irving Howe’s remarks, though made in a different context, are even more relevant today:

None of this is new. There were Drew and Fisk, Morgan and Rockefeller in the days of and after the robber barons. There were the boys of Teapot

Dome. There was Calvin Coolidge, who declared, “The business of America is business.” There was Charlie Wilson, who said, “What’s good for General Motors is good for the United States.” Yet something is new, at least for the years since 1933, and that’s the social and moral sanction that Reaganism has given to the ethos of greed.<sup>3</sup>

Reagan’s infamous claim in his first inaugural address that “government is not the solution to our problems; government is the problem” represented not just a celebration of greed, but also an attack on public values and social rights as well as a full-fledged attempt to undermine all of those social relations, spaces, and spheres organized to define the public good outside of the primacy of privatization and commodification. The assault on all forms of social protections and rights has further intensified with the unchallenged reign of neoliberal policies that has been supported in the ensuing years by all American presidents, including Barack Obama.

The mantras of neoliberalism are now well known: government is the problem; society is a fiction; sovereignty is market-driven; deregulation and commodification are props of the corporate state; higher education should serve corporate interests rather than the public good; and the yardstick of profit is the only viable measure of the good life and advanced society. Civic engagement, public spheres that celebrate the common good, and the notion of public values are viewed by politicians and the public alike as either a hindrance to the goals of a market-driven society or a drain on society to be treated as a sign of weakness. Ethical considerations and social responsibility are now devalued, if not disdained, in a society wedded to short-term investments, easy profits, and a mode of economics in which social costs are increasingly borne by the poor, while financial and political benefits are reaped by the rich. Unchecked self-interest and ruthless modes of competition now replace politics, or at least they become the foundation for trivialized politics as complex issues are reduced to friend/enemy, winner/loser dichotomies. The crass social Darwinism played out on reality TV now finds its counterpart in the politics of both the Democratic and the Republican Parties and spreads its poisonous influence in the media and popular culture through an ongoing celebration of hyper-masculinity, unbridled individualism, rampant consumerism, and spectacles of violence.

*The American public is no longer offered the guidance, opportunities, and modes of civic education that cultivate their capacity for critical thinking and engaged citizenship*

As Tony Judt has observed, the “thick mesh of social interactions and public goods has been reduced to a minimum” by casino capitalism’s takeover of the rhetorical culture and of vital functions of politics.<sup>4</sup> Democratic values, social relations, and public spheres are no longer a symbol of hope and the future. Rather, they are now viewed as a drain on the economy, if not an outright threat to neoliberal policies. Increasingly, such values are treated with contempt or understood as dispensable, along with the individuals and groups they benefit. In a society obsessed with customer satisfaction and the rapid disposability of both consumer goods and long-term attachments, politics loses its democratic character, becoming not just dystopian and dysfunctional but also deeply authoritarian. In my view,

the American public is no longer offered the guidance, opportunities, and modes of civic education that cultivate their capacity for critical thinking and engaged citizenship. As public values are written out of the vocabulary circulating within important pedagogical spheres such as public and higher education, for example, a mode of civic illiteracy emerges in which it becomes difficult for young people and the broader American public to translate private troubles into public concerns.

When civic literacy declines and the attacks on civic values intensify, the commanding institutions of society are divorced from matters of ethics, social responsibility, and civic engagement. One consequence is the emergence of a kind of antipolitics in which the discourses of privatization, possessive individualism, and crass materialism inundate every aspect of social life, making it easy for people to lose their faith in the critical function of civic education and the culture of an open and substantive democracy. As public spaces are transformed into spaces of consumption, the formative cultures that provide the preconditions for critical thought and agency crucial to any viable notion of democracy are eviscerated. Under such circumstances, civil society along with critical thought cannot be sustained and become short-lived, fickle, and ephemeral. At the same time, it becomes more difficult for individuals to comprehend what they have in common with others and what it means to be held together by shared responsibilities rather than shared fears and competitive struggles.

As the dominant culture is emptied out of any substantive meaning and filled with the spectacles of the entertainment industry, the banality of celebrity culture, and a winner-take-all consumer mentality, the American people lose both the languages and the public spheres in which they can actually “think” politics; can, in Tony Judt’s words, “respond energetically or imaginatively to new challenges”; and can collectively organize in order to influence the commanding ideologies, social practices, and institutions that bear down daily on their lives.<sup>5</sup> Numbed into a moral and political stupor, large segments of the American public and media have not only renounced the political obligation to question authority but also the moral obligation to care for the fate and well-being of others. In a market-driven system in which economic and political decisions are removed from social costs, the flight from responsibility and critical thought is further accentuated by a toxic fog of what Zygmunt Bauman calls “ethical tranquilization.”<sup>6</sup> In such instances, as Wendy Brown has noted, depoliticization works its way through the social order, removing social relations from the configurations of power that shape them and substituting “emotional and personal vocabularies for political ones in formulating solutions to political problems.”<sup>7</sup> As private interests trump the public good, public spaces are corroded and short-term personal advantage replaces any larger notion of civic engagement and social responsibility. Missing from the neoliberal market society are those public spheres—from public and

*As private interests trump the public good, public spaces are corroded and short-term personal advantage replaces any larger notion of civic engagement and social responsibility*

higher education to the mainstream media and digital screen culture—where people can develop what might be called the civic imagination.

In my judgment, for-profit spheres are increasingly replacing the spaces in which the civic imagination not only enables individuals to understand and hold accountable the larger historical, social, political, and economic forces that bear down on their lives, but also provides the conditions for developing the knowledge, skills, and values central to democratic forms of education, engagement, and agency.

What is particularly troubling in American society is the growing absence of a formative culture necessary to construct questioning agents who are capable of dissent and collective action in an imperiled democracy. Matters of justice, equality,

*Matters of justice, equality, and political participation are foundational to any functioning democracy, but it is important to recognize that they have to be rooted in a vibrant formative culture in which democracy is understood not just as a political and economic structure but also as a civic force enabling justice, equality, and freedom to flourish*

and political participation are foundational to any functioning democracy, but it is important to recognize that they have to be rooted in a vibrant formative culture in which democracy is understood not just as a political and economic structure but also as a civic force enabling justice, equality, and freedom to flourish. While the institutions and practices of a civil society are crucial to both imagining and sustaining the dreamscape of an aspiring democracy, what must also be present are the principles and modes of civic education and critical engagement that support the very foundations of democratic culture. Sheldon Wolin makes this clear in his insistence that “If democracy is about participating in self-government, its first requirement is a supportive culture, a complex of beliefs, values, and practices that nurture equality, cooperation,

and freedom. A rarely discussed but crucial need of a self-governing society is that the members and those they elect to office tell the truth.”<sup>8</sup>

The importance of civic education in the shaping of democratic values and critical agents can be found in the work of many theorists extending from C. Wright Mills and John Dewey to Cornelius Castoriadis and Paulo Freire. What all these theorists shared was the recognition that civic education is central to producing an informed citizenry, but even more so to constituting any viable notion of politics. They recognized that various cultural apparatuses and media sources help produce subjects who are summoned to inhabit the values, dreams, and social relations of an already established social order. All these theorists understood that the educational force of the wider culture, and the sites where it is delivered to the public, demand a radical rethinking of modes of civic education, if not politics itself. They all argued that democracy begins to fail and political life becomes impoverished in the absence of those vital public spheres in which civic values, public scholarship, and social engagement allow for a more imaginative grasp of the promise of a future that takes seriously the

demands of justice, equity, and civic courage. As Andrew Delbanco points out, democracy should be a way of thinking about education, one that thrives on connecting equity to excellence, learning to ethics, and agency to the imperatives of social responsibility and the public good.<sup>9</sup> We may live in dark times, but the future is still open. The time has come to develop a political language in which civic values, social responsibility, and the institutions that support them become central to invigorating and fortifying a new era of civic imagination, a renewed sense of social agency, and an impassioned political will.

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#### NOTES

1. Irving Howe, *Selected Writings 1950–1990* (New York: Harcourt Brace Jovanovich, 1990), 418.
2. Charles H. Ferguson, *Predator Nation: Corporate Criminals, Political Corruption, and the Hijacking of America* (New York: Crown Business, 2012), 21.
3. Howe, *Selected Writings*, 413.
4. Tony Judt, *Ill Fares the Land* (New York: Penguin, 2010), 118.
5. Judt, *Ill Fares the Land*, 157.
6. Gerry McCarthy, “*The Social Edge* Interview: Sociologist and Author Zygmunt Bauman.” *The Social Edge*, accessed January 6, 2013, <http://webzine.thesocialedge.com/interviews/the-social-edge-interview-sociologist-and-author-zygmunt-bauman>.
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# Social Media, the Occupy Movement, and Civic Values

*Todd Gitlin*

IN THIS AGE, media of communication are commonly accorded the powers of wizards, demons, and angels. When we approve of our gadgets, we consider them wonders of human ingenuity and privileges to which we are entitled; when we disapprove, they look more like sorcerers' apprentices. So it is not surprising that many commentators have treated recent social movements as pure and simple products of the electronic contrivances that blanket the contemporary world. Speaking of the overthrow of Communist governments in Eastern and Central Europe in 1989, Ted Koppel of ABC News called television a "revolution in a box." It was television, Koppel maintained, that effectively undermined the fraudulent claims of the Communist party-states, galvanized public opposition, and stirred up revolt by showering the Eastern bloc with images of consumer splendor and Western liberty.<sup>1</sup> In such accounts, the *failures* of television to undermine authoritarian regimes were not prominently featured.

Television is old hat, of course, and it is far more common nowadays to identify causal force with the Internet, smart phones, and the so-called social media of Facebook and Twitter. In 2009, many writers looking for a handle assigned Twitter a leading role in Iran's "Green Revolution" against the Islamist regime. Even the writer Eugene Morozov, who came to prominence decrying the "cyber-utopian" fantasy that the acids of Internet freedom dissolve authoritarian regimes, credited Twitter and Facebook with "facilitating" anti-regime protests in Moldova.<sup>2</sup> In 2011, the so-called Arab Spring, at least its Egyptian segment, was widely attributed to Facebook.<sup>3</sup> It did not go unnoticed that the oppositionist who fashioned "We are all Khaled Said," the wildly successful Facebook page featuring the photo of the battered face of the young Alexandrian businessman pummeled to death by the secret police (shot by his brother in the morgue, then uploaded), was an executive of Google. The subsequent ascendancy of Egypt's Muslim Brotherhood was in general understood without any reference to the paucity of its reliance on social media.

The obvious is worth restating: human beings use media and are used by them. French revolutionaries of the eighteenth century read books and distributed gossip newsletters; abolitionists printed pamphlets and newspapers; civil

rights and antiwar organizers used telephones and mimeograph machines. But all depictions of uprisings as the products of technical equipment and media messages are cartoons. They collapse the energies and choices of millions of human beings into tails wagged by technological dogs. Everyday journalism draws such pictures because social movements, great upheavals of human initiative, are mysterious to them. But the picture of subversive electronics, however pleasing as an ironic twist—the people’s electronic revenge—is a distortion. Human activity is a cause, not an effect, even if it rests on technical preconditions developed, in turn, by human beings with purposes that may or may not be fulfilled by their contrivances.

As I write, in January 2013, the Occupy movement that seized national attention for a few weeks in the fall of 2011 has dwindled to an apparent vanishing point. It may be exhausted; it may be in the process of reorganizing; it may

*The most important thing to understand is that the eruption of Occupy was a civic achievement*

be transmogrifying into various sequels; it may have fragmented to the point where there is no “it”; it may, in its obvious incarnation, be finished. All these propositions can be defended to varying degrees. Flat factual declarations about phenomena as far-flung, elusive, and polymorphous as social movements, which are contingent on an abundance of both structural and singular developments, are to be suspected. Historical time is the essential medium of social movements,

and there are too many forces at work to permit prophecy. But certain features of Occupy’s astonishing rise are clear enough to permit some appraisal.

The most important thing to understand is that the eruption of Occupy was a civic achievement. On the heels of prefigurations abroad, tens of thousands of Americans transformed their lives and threw themselves into the encampments near Wall Street and in hundreds of other places around the country. As I demonstrate in my book *Occupy Nation*, over the previous months there had been calls for occupations and mass demonstrations, but these resulted in actions that were minor and unheeded.<sup>4</sup> Without doubt, these failed attempts also relied on social media to stimulate gatherings, to recruit and prepare for them, to spread the word from network to network. So did the occupation that dug in on September 17, 2011.

Many, perhaps most, of the social networks that materialized in Zuccotti Park already existed, at least in embryonic form, before that date. Many were grouplets or loose associations of anarchists and other leftists who had worked together over the years on various political and cultural projects. They recognized each other as engaged in some sort of common enterprise, but were normally confined to bohemian circles of New York’s Lower East Side and certain lower-cost neighborhoods of Brooklyn. (“Groupuscules” was the charming term used by the French 1968 *gauchiste* movement for the equivalent phenomenon.) In the weeks after September 17, 2011, the sense of a larger movement grew, stimulated by mainstream media images of police excess.

Evidently, the symbolic value of “Occupying Wall Street” made sense to larger circles of supporters, mostly attached to trade unions and liberal membership

groups. Their long, apparently structureless “general assembly” meetings and ritualistic hand gestures, however exotic, tangibly affirmed the existence of a community counterposed to the procedures of the dominant, encrusted institutions. Around kitchen tables and on late-night comedy shows, the Occupy movement gained currency, floating along on the torrential gush of media. It outlasted journalistic misrecognitions, the framing of its diffuseness and deviance front and center, as a failed organization, a failed platform, or a poor excuse for a political party—anything but that unruly social fact, a social movement. It had to thank its own theatrical vigor along with no small assist from brutal and clumsy police.

Not least, Occupy floated on a wave of public opinion, having captured—for the moment—that indispensable commodity of contemporary culture, attention, by defining the financial sector of plutocratic power, symbolized as Wall Street, as the adversary, with government as a too-willing accomplice. Filling a value vacuum left by corrupted political parties and inert religious authorities, it was, for a while, the theatrical incarnation of an alternative. In its first two months, it charmed a large public. Camping out cheek by jowl with Wall Street, using online networks to build up face-to-face communities—spaces to meet, argue, eat, take shelter, care for each other, argue some more, shout, rant, drum, sleep, read, consult, drift by, dig deeper, learn, refuse to learn—it won points by confronting corrupt adversaries in whimsical and inventive ways. It brought hard-core activists—anarchists, revolutionaries, drifters, homeless people, foreclosed and indebted people, desperate people, reformers of many stripes—together with a myriad of allies. These were people who wanted community, a new start, a society in secession or a society somehow of their own.

This spirit had a self-regarding, self-isolating side. But it had another face as well. The Occupy community was an incarnation, however transitory and imperfectly realized, of civic values. It invited general participation in the public discussion of public issues. At its peak, it drew a wide range of citizens out of isolation, and created for them forms of participation that spoke to the more radical and the more practical, the more and less committed alike. This felt fresh, but it was not without precedent. Occupy Wall Street and its spin-offs infused eighteenth-century constitutional principle, enshrining the value of public assembly, with twenty-first-century methods (social media, text messages, and the like) for summoning assemblies. In other words, the Occupy camps were revolutionary—in an American vein. They restated primordial revolutionary impulses, impulses rooted in the late eighteenth-century Enlightenment impulse that elevated public assembly to a high place, as amplified by Romantic hopes invested in the potential of popular democracy. They took seriously the lost recognition that the First Amendment doesn’t just address freedom of religion, and speech, and the press, but explicitly specifies “the right of the people peaceably to assemble, to petition the government for redress of grievances.” They harked back to the even more explicit terminology that appears in many state constitutions, beginning with Pennsylvania’s from 1776, justifying assembly for the purpose of “consulting upon the common good.” “Assembly,” in the language of the time, conveyed something substantially more than a sequence of

speech acts by individuals who transport their previously developed ideas into a public place. It spoke to a collective right, an affirmation of republican procedure wherein the people would formulate their ideas about the common good only upon being assembled. Though this value-laden language is commonly neglected in both jurisprudence and scholarship, Occupy resurrected it.

No one should overrate this historical moment that tried to extend itself into a movement. Occupy, ill-disposed toward practicality in the first place, slammed into formidable obstacles, for the camps rested on the sufferance of local governments. By the late fall of 2011, mayors and police forces withdrew their permission. Coordinating, they forcibly cleared the camps. In the minds of the political class, the republic was theirs to possess and theirs to enforce. They appreciated that the idea of a popular assembly to “consult upon the common good” was a radical alternative, going to the heart of the democratic idea that government of, by, and for the people requires that the people speak with one another. Bad sanitation, violent provocations, and camp criminality undermined a movement whose fantasies of nonstop assembly and a moneyless society were already cloistered.

Still, no one should underrate Occupy either. The maximal core of its hopes was utopian, its practice was meandering, disruptable, and self-insulating—in the end, grossly inefficient and off-putting, tailored strictly to hard-core activists—but it revived a morose American left, invigorated civic ideals, and suggested opportunities for an ongoing moral awakening. It was no small achievement that, at its high-water mark, it succeeded in redirecting the public discourse toward the forbidden subject of class inequality and transforming the presidential election campaign. For all its impracticality, it helped reset the political agenda for the next phase of practical politics, and perhaps more: after decades of plutocratic engorgement in the United States, it may have stirred a taste for continuing moral upheavals on behalf of the common good. There are no guarantees—history knows no such things—but some doors have been pushed open.

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#### NOTES

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PART 2

Civic Values:  
Aspects and  
Analyses





# What Are the Values That Underlie the Law?

*Richard Goldstone*

WHAT IS “THE LAW”? It means different things to people who come from different continents and even different nations on the same continent. What “the law” means in a Western democracy is different from what it is understood to be in an autocratic dictatorship. It is understood differently in theocratic regimes where the law is based on the fundamentalist application of religious laws. It is different in centralized societies such as China or Vietnam where the people governed by the law are not consulted or party to its making.

The “law” in these different regimes has one common goal—to order the society governed by it. With autocratic regimes it is rule *by* law, whilst in democracies it is the rule *of* law. Even if one rejects rule by law as lacking a moral foundation, it must be acknowledged that the rules by which those societies are governed are nonetheless “laws.” In some autocratic societies, those who enforce the law may well intend to benefit the people governed by it and may indeed succeed in doing so. Singapore is hardly a model democracy. Yet the island state has produced one of the highest standards of living on the Asian continent and, indeed, in the world. In some more democratic societies, such as India, the prevalence of poverty and unemployment has driven many to question the value of democratic governance.

Having drawn the distinction between rule *by* law and the rule *of* law it is my aim in this essay to examine the values that underlie what in some Western democratic states is known as the basic law.

## BASIC LAW IN DEMOCRATIC SOCIETIES

Regular, free, and fair elections are not sufficient guarantors of democracy. It should not be forgotten that Hitler, Milosevic, and Mugabe came to power or retained power in consequence of elections that were regarded as both free and fair. It was the subversion of the rule of law that enabled their oppressive regimes.

In most models of democracy, lawmakers are elected by the people to represent them in a legislature. Their legislative powers are usually governed by a constitution and a bill of rights. The constitutionality of the laws passed by the elected legislature is determined by an independent judiciary and implemented by an executive branch that is similarly constrained by the constitution. Laws,

then, are fundamental to democracies and are the subject matter of democratic principles. It is with the values that are enshrined by laws in a democracy that this essay is concerned.

#### THE RULE OF LAW

In recent times, more states on all continents have aspired to adopt democratic forms of government. They recognize that central to democracy are the values of the rule of law.

More people than ever before in human history are aspiring to those values. The so-called Arab Spring is the most recent demonstration of members of civil society demanding freedom and democratic government. It is an implicit demand for the rule of law to protect their civil rights. They are demanding that disputes between citizens and the government, and between themselves, should be settled by the application of laws that are democratically made and justly enforced by an independent judiciary. The manner in which their societies are responding to those demands is a fraught issue and much more complex than at first appeared to be the case.

#### THE VALUES THAT UNDERLIE THE LAW IN DEMOCRACIES

The rule of law, and hence democratic government itself, requires recognition and respect for the following values:

- (a) the separation of powers between the legislative, executive, and judicial branches of government
- (b) the independence of the judiciary
- (c) supremacy of the law
- (d) equality before the law
- (e) due process

These values are enshrined expressly or by implication in the constitutions of all democratic states. They reinforce and frequently overlap with each other. They are the core that underlies the law.

#### *Separation of Powers*

It has been the experience of most, if not all, democracies that the rule of law requires each of the three branches of government to keep a check on the other two. In a dissenting opinion written by Justice Scalia in 1988 there is reference to Article 487 of the Massachusetts Constitution of 1780: “In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men.”<sup>1</sup>

In few democracies does the separation doctrine apply with such vigor. In the United States, the vice president presides in the Senate. Until recently, in England the most senior member of the judiciary was a member of both the executive and the legislature. These deviations from strict separation have not impinged on the recognition and implementation of the separation doctrine.

Powerful legislatures elected by the people often tend to develop an arrogance that comes with power. They object to having their will (which they often incorrectly equate to the popular will) thwarted by the executive or judicial branches. When there is a clash of those wills, the legislative branch will usually resort to new legislation in order to rein in the powers of the other two branches. Sometimes that legislation will be thwarted by constitutional provisions, specifically the protections provided by a bill of rights.

It is in that context that the judicial branch of government steps in to set aside legislation that is passed in violation of a constitutionally enshrined value. What is too frequently not appreciated is that in a democracy subject to the rule of law, the will of the majority—even that of a unanimous legislature—cannot justify a violation of these protected values. It is not majorities that those entrenched rights and values are designed to protect—their being in the majority is all the protection they need. It is rather the rights of minorities and marginalized groups that require protection by an independent judiciary.

In too many new democracies, and even in some older ones, the constitution is seen as a document designed to empower the government and not as a brake on the misuse of majority rule. A useful illustration comes from South Africa, where, fortunately for his people, President Nelson Mandela had an instinctive understanding that the cardinal value underlying democracy is the rule of law and its constitutional protection. The first case heard in 1995 by the then new Constitutional Court of South Africa was on the constitutionality of the death sentence. This was the only issue on which the drafters of the new democratic constitution could not agree. They decided to omit any reference to it in the Bill of Rights and to leave it to the Constitutional Court to decide in light of the provisions that were incorporated into the Bill of Rights. The court unanimously held that this extreme punishment was indeed inconsistent with the right to life and the right to human dignity, and that it constituted a cruel and inhuman punishment. It was unconstitutional.

On the day that the decision on the death sentence was announced, the former Apartheid president, F. W. de Klerk, made a public statement to the effect that whilst he accepted the decision of the court, he believed that a majority of South Africans, black and white, supported the death penalty. He suggested a referendum on the question and that, if he was correct, the Bill of Rights should be amended to expressly sanction the death penalty. That same evening, in a televised address, President Mandela expressed surprise at the suggestion of rule by referendum. He said he had thought that all the major political parties had agreed to South Africa being a constitutional democracy and not a country governed by whatever values the majority of South Africans might wish. He viewed the Bill of Rights as having been designed to restrain the will of the majority. However, he said, if South Africa was to be governed by referendum, he suggested the first one should contain two questions. The first should relate to the death sentence; if the majority of South Africans, black and white, wished to reintroduce it, he said, then the Constitution should be amended accordingly. The second question, he said, was to ascertain whether the majority of South Africans, black and white, wished white South Africans

to keep the property they had acquired over the preceding 350 years of racial oppression. If the majority of South Africans, black and white, thought that they should not, then the provisions in the Bill of Rights prohibiting the confiscation of private property should be removed. It should come as no surprise that there has not been another call for a referendum! President Mandela appreciated that the Bill of Rights was there to protect minorities from the whims of the majority and not simply to entrench power in the hands of the government.

It is sometimes the executive branch of government that exceeds the powers entrusted to it by the constitution. This becomes prevalent in times of emergency and, especially, war. Few democracies have not experienced the executive branch acting beyond its powers and unconstitutionally in the face of serious threats to the nation. An egregious illustration of this misuse of executive power was the internment of Japanese Americans after the attack on Pearl Harbor. The justices of the Supreme Court were infected with the same fear and overreaction to the events of the day. They failed to protect the fundamental rights of Japanese Americans whose patriotism the government had no cause to question. It is indeed precisely in times of emergency, and even war, that the power of the executive branch of government should be carefully monitored and, if necessary, kept in check.

The most recent debate on the use by the United States of drones to kill its enemies is a good illustration of the checks and balances that lie at the heart of the separation of powers. The issue is whether there should be judicial control over the exercise of power to kill citizens or noncitizens of the United States. Consideration is being given to legislation establishing a special court to authorize such actions by the executive branch. The purpose of such a court would be to ensure that the executive does not blur the separation between it and the judicial branch of government. It becomes apparent that the value of the separation of powers is the essential check it provides to the misuse of power by the legislative or executive branches of government.

### *The Independence of the Judiciary*

The preceding discussion of the separation of powers demonstrates that the rule of law requires a referee to determine whether the legislature or executive has exceeded powers conferred upon each of them by the constitution. That referee is the judicial branch of government. It also becomes apparent that in order for the judges to carry out that role they must be independent of the other two branches. Confidence in the judiciary depends upon that independence. The value of an independent judiciary is thus also cardinal to the rule of law.

Judges are not formally accountable, save to higher courts. They are, however, accountable to the public that they are appointed to serve. An important element in the protection of their independence is the requirement that judges must furnish full reasons for their decisions. Those that decide important legal principles or affect the public interest invariably receive full consideration and criticism from the academy and the media. Any indication or even suspicion of political or other unprofessional bias is likely to be the topic of discussion and public debate. These are elements of independence that are often taken for granted. But they are no less fundamental. In extreme cases of misconduct,

judges are also subject to removal, usually by impeachment proceedings in the legislature. In some jurisdictions judges are subject to discipline by a statutory body for misconduct that does not justify dismissal. It is crucial to the independence of the judiciary that disciplinary proceedings must be free, in fact and perception, from even the suggestion of political motivation.

Legislators are unable to anticipate all the facts and circumstances that might arise in the future and to which a legislative provision might have to be applied. For this reason, judges may be called upon to exercise discretion when interpreting the law (including the constitution) and in the application of the law to the facts of a particular case.

An illustration of the application of discretionary powers lies with criminal sentencing. In common law jurisdictions, there are different approaches. In the English tradition, judges are required to furnish full reasons for the sentences they impose. That enables a higher court, on appeal, to interfere in cases where the discretion was not appropriately exercised. In the United States, judges traditionally do not furnish reasons for the sentences they impose. This approach led to public criticism of the frequent disparity of sentences in respect of similar offenses. That disquiet led Congress to legislate mandatory sentencing guidelines. The Supreme Court held that mandatory guidelines violated the Sixth Amendment right to trial by jury, and excised those provisions of the law establishing the guidelines as mandatory. They were held to be advisory. It was thus the application of the value of the separation of powers that restored judicial discretion with regard to sentencing.

### *Supremacy of the Law*

Supremacy of the law requires that all citizens are subject to the same legal rules. This is another cardinal value of the rule of law—that all law applies equally to all people within the state—the powerful and the weak, the rich and the poor. Nothing is more calculated to undermine the rule of law or corrode respect for the law than a perception that justice can be perverted or diverted by corruption or political interference.

Some older democracies inherited prerogative powers from their former colonial rulers. An illustration is the pardon power that emanated from the royal prerogative. Soon after the United States won its independence from England, the Supreme Court held that the prerogative power of pardon that inhered in the president and in state governors was not subject to judicial review. In newer democracies, there is a different approach to the prerogative powers. In South Africa, for example, the Constitutional Court has ruled that the president, in respect of the exercise of all his powers and acts, is subject to the constitution and, therefore, to judicial review. No one, not even the president, can escape the values and norms of the constitution.

### *Equality Before the Law*

The principle that everyone should be equal before the law is easier to state than to apply in practice. It is readily accepted as a fundamental value in a democratic society. It is enshrined in most democratic constitutions, bills of rights, and in many international human rights conventions. Yet over the years, in most democracies, it has given rise to much dissension, debate, and

litigation. There are obvious cases where differential laws are necessary and justifiable. One thinks of rates of taxation: it is not objectionable to tax the wealthy at a higher rate than the poor or to exempt from tax those who earn insufficient to live above the breadline. So, too, it is acceptable to have special laws to safeguard the interests of minors or to care for the aged. As was well articulated by an Australian judge: “Discrimination can arise just as readily from an act which treats as equals those who are different as it can from an act which treats differently persons whose circumstances are not materially different.”<sup>2</sup>

The value of equality in a democracy ensures that distinctions or differentiations are rational and designed solely to assist those who require special treatment by the law. There should on no account be different treatment based upon irrational discrimination. In this regard, democratic societies have experienced evolving values. In the United States, there has been a strong movement over some decades to outlaw discrimination on grounds of race, religion, and gender. The current battleground in the United States and elsewhere relates to sexual orientation and is best exemplified in claims for the legal recognition of same-sex marriage.

A fraught debate continues to rage in the United States around the issue of affirmative action. The question is whether people who have been previously disadvantaged by unfair discrimination should be regarded by the law as the equals of those who have not suffered such discrimination. In the Canadian and South African Constitutions, government policies designed to assist those previously discriminated against have been expressly sanctioned. In terms of the Canadian Constitution, equality before the law “does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” To similar effect is the provision of the South African Constitution that provides that “[t]o promote the achievement of equality legislative and other measures designed to protect or advance persons or categories of persons disadvantaged by unfair discrimination may be taken.” In India, the courts have been concerned with ensuring equality for groups that were previously discriminated against—such as the “untouchables,” who have suffered discrimination for centuries under the traditional Hindu caste system.

The difficult question that arises in some jurisdictions is whether affirmative action measures have the effect of assisting only those who are, in fact, disadvantaged by past discrimination. As new generations of the class that was previously discriminated against enjoy the removal of discrimination, more and more members of that class will no longer qualify for affirmative action benefits. That is a question of fact rather than of law. It will not take long before South African courts have to grapple with this thorny question.

In the United States, in the absence of any express provision in the Constitution or the Bill of Rights, the courts have been more concerned about individual equality and the principle that every person should be treated in the same manner. Under this approach affirmative action policies are regarded as suspect, and in the view of some judges, are a form of “reverse discrimination.”

Whatever approach is adopted, there is no dispute that the principle of equality before the law and the right to the equal protection of the law are fundamental values of democracy.

### *Due Process*

In 2015, many democracies will celebrate the eight hundredth anniversary of the Magna Carta, the “Great Charter” that was forced upon King John of England by his feudal barons in order to compel him to respect the law and to limit his powers by law. Under the Magna Carta, the King undertook that “[n]o free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.” In the thirteenth century, these rights applied to the landed classes and not to peasants. It was nonetheless a giant step forward on the road to the rule of law.

The Magna Carta was also justifiably recognized as the origin of the concept of what American jurists refer to as “due process.” This is shorthand for the principle that the state must respect all the legal rights of anyone subject to its power. This system protects individuals from harm by the government without the due process of the law. It is generally understood to be concerned with procedural rather than substantive law. It requires that before a citizen is deprived of life, liberty, or property, the state must follow fair processes and procedures. The extent to which due process is also concerned with substantive law is beyond the scope of this essay and the subject of much comment and controversy.

### CONCLUSION

I trust that this essay has demonstrated that the values that underlie the rule of law form the foundation of democracy. It will also have emerged that the five cardinal values of the rule of law are interrelated and that absent any one of them the others will become weakened, and that could well be destructive of democracy itself. The manner in which autocratic dictators have abused democratic government is by undermining the independence of the judiciary. Judges who comply with the dictates of the executive do not uphold the values of the supremacy of the law or due process, and, in so doing, fatally injure democracy. It is a situation of all or nothing. Absent any of these values, there is no democracy.

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### NOTES

1. *Morrison v. Olson*, 487 U.S. 654 (1988).
2. *Waters v. Public Transport Corporation* [1991] hCa 49 at [10]; (1991) 173 Clr 349 at 402.





# The Tenuous Rule of Law

*David Lyons*

I UNDERSTAND “THE RULE OF LAW” to mean that a community’s law is generally respected, most importantly by its own public officials. That condition is widely regarded as a very good thing, and there is no doubt that the rule of law has its virtues. The law can protect our persons, secure our property, enforce our chosen arrangements, provide an authoritative settlement of disputes, create beneficial coordination, and enable us usefully to combine and deploy our resources.

Even so quick a summary may seem to justify law’s inherent claim to moral authority, despite its coercive limitations on human freedom, its imposition of punishments, and its claim to override individual judgment.

But the picture is myopic, for the machinery of law can be used to either serve or disserve human rights and interests. And the rule of law would seem to have been a mixed blessing for most people throughout legal history. I am not thinking only of extreme cases, such as the Inquisition, chattel slavery, and the Final Solution, all conducted according to law.<sup>1</sup> I am thinking, rather, of the statistically normal case. The benefits of living under law have rarely, if ever, been fairly distributed, and it is by no means clear that law normally provides a fair net gain for most people. The typical human society ruled by law has been oppressively stratified and exploitative. To be sure, some strata of society gain greatly from the protections and facilities provided by law, but they usually comprise a small minority, while conditions are much less desirable for most members.

*The machinery of law can be used to either serve or disserve human rights and interests*

But I do not wish to disparage the rule of law. On the contrary: I am concerned here with social phenomena that involve *systematic* violations of law by officials. Much official misconduct, such as bribe-taking and solicitation, is kept out of the public eye. This chapter concerns a distinctive kind of misconduct by officials: practices that are clearly unlawful, largely open, and tolerated for a long period of time.

I will illustrate the point with examples from American history. It may be useful, on the one hand, to puncture the complacency that often seems to characterize celebrations of our rule of law and, on the other hand, to suggest

the importance of widely distributing economic and political power—the importance, in other words, of genuine democracy.

#### SLAVERY IN EARLY VIRGINIA

My first example concerns the creation of slavery in seventeenth century Virginia. Most of the hard labor performed there was done initially not by slaves, but by indentured servants from England—persons who had (more or less freely) contracted to serve a master for several years. Before long, however, Virginia planters began to follow the example that had been set by Spanish and Portuguese colonists and sought to meet their increasing demand for labor by importing Africans.

In 1619, a Dutch ship that stopped briefly at Jamestown traded twenty or so Africans for provisions. That event is often depicted as the beginning of slavery in Virginia. That may be true, in one sense, but not without qualification. Let me explain.

Under the system of law known as chattel slavery, human beings were items of property who could be, and were, bought and sold, given away or freed, bequeathed and inherited. They were slaves for life, their status was inherited by their children, and they were subject to the absolute dominion of their legal owners.

Colonial records do not tell us what happened to those twenty or so Africans who came off that Dutch ship and joined the Jamestown colony in 1619. But we do know that they did *not* become slaves in the sense just described. That's because the colony was subject to English law (the common law of England, as modified by parliamentary enactments), which made no provision for the routine enslavement of human beings. On the contrary, English law prohibited the treatment of persons that we associate with enslavement, such as physical assault and imprisonment.<sup>2</sup>

Parliament knew how to impose slavery on segments of its population, which it occasionally had done, but it *never* authorized slavery in its American colonies. The Virginia Company and, later, the Virginia legislature had the authority to establish new laws to serve the colony's perceived needs, but Virginia did not begin to enact such laws until much later in the seventeenth century. A Virginia enactment of 1655 referred for the first time to slavery, and some Virginia legislation of the 1660s began to regulate aspects of the practice. But Virginia did not enact laws that could be regarded as *authorizing* slavery until 1682.

Does this mean that there were no slaves in Virginia prior to 1682? It would be misleading to say that, because court records tell us that some time before 1630 some Africans began to be *held as* slaves, in lifetime servitude (as if the law had allowed it).

In other words, for a period of about fifty years (more or less), Africans were enslaved in colonial Virginia, and the unlawful practice was known and tolerated by those who wielded power in the colony—the elite colonial landholders, who were also the principal “owners” of slaves. This is an example of what I call the legal entrenchment of illegality. The legal entrenchment of illegality constitutes an extreme violation of the rule of law.

Slavery in early Virginia is not an isolated case of that phenomenon. I do not mean merely that official nonfeasance and malfeasance have been commonplace in

those territories that became part of the United States of America. I mean that we can identify other periods in American history during which officials engaged openly in long-standing practices that were clearly unlawful.

#### ILLEGAL VIOLATIONS OF NATIVE AMERICAN TERRITORY

Here's another example. It is a bit more complex, because it took a variety of forms, but their common character is readily recognizable. It is the practice of unlawfully appropriating Native Americans' lands.

I am not referring to the federal government's common practice of renegeing upon its solemn promises, recorded in treaties that pledged the *permanent* assignment of specified territories to Native American nations or tribes. Those promises would tacitly be expunged by later treaties, imposed by the government, that encroached even further on Indian lands and that promised, once again, that the remaining territories were theirs forever. No, those appropriations involved at least the semblance of lawfully achieved agreements. I am referring instead to practices that more clearly involved official violations of the prevailing law.

In 1763, for example, at the end of the Seven Years War against France, the British government issued a proclamation prohibiting its North American colonists from settling upon Native American lands beyond the crest of the Appalachian Mountains. By such measures, the British government hoped to minimize future conflict with Native Americans. During the French and Indian War (the name given to that part of the Seven Years War that transpired in North America), more Native American nations had allied themselves with the French than with the British because the French had mainly sought trade with Native Americans rather than territories for ever-expanding colonial settlements, whereas the reverse had been true of the British colonists. The war had impressed on Britain the high cost of taking Native American lands. Thus, the proclamation.<sup>3</sup>

Britain's policies restricting colonial expansion became significant sources of the conflict between the colonists and the British government that led to the war for independence. The colonial governments failed to enforce the proclamation, and some encouraged westward expansion.<sup>4</sup> So colonists ignored the ban and made their way unchecked into Native American territories.

This helps explain why Native Americans later sided mainly with Great Britain against the rebellious colonists, just as they had earlier sided mainly with the French against the British and their colonists. It also helps to explain George Washington's subsequent pledge to the Senecas that the new government he represented would secure Native American lands and congressional legislation, beginning in 1793, that formally committed the federal government to such protection. The federal government was to serve as trustee, with the obligation to review any proposed transfer of Native American lands to non-Indians and to ensure that it served the Indians' interests.

Over the next two centuries, as much of that land was taken, more or less coercively, by the several states for use by European Americans, the federal

*The legal entrenchment of illegality constitutes an extreme violation of the rule of law*

government neglected its responsibilities as trustee. No transfer of Native American land to non-Indians was ever reviewed and approved by the federal government. This systematic violation of federal law was finally checked by a series of federal court decisions beginning in 1976, when it was determined that various Eastern tribes retained valid claims to vast territories that had illicitly been appropriated by non-Indians.

During those two centuries, other overtly unlawful practices were engaged in by state and federal officials to deprive Native Americans of lands they had been guaranteed. The most blatant example involved the state of Georgia and the Cherokees.

Shortly after independence, the states ceded to the federal government any western lands to which they had claims. The Georgia Cession of 1802 committed the federal government to seek an agreement with the Cherokees committing the latter to vacate their territory within Georgia. Following Jefferson's advice, however, the Cherokees successfully developed cultural, political, and economic practices comparable to those of European Americans and were quite happy where they were. The main body of Cherokees was unwilling to move, so the federal government was unable to reach the agreement that Georgia wanted.

Georgia was impatient and, encouraged by Andrew Jackson's commitment to "Indian removal," the state government encouraged its citizens to invade Indian land and evict its residents, and itself took legal (but patently unlawful) steps ostensibly to dissolve the Cherokee nation. The conflict intensified when gold was discovered on Indian land and Georgia claimed authority over the mines, which it enforced.

The US Supreme Court's ruling validating the Cherokees' claims against Georgia was ignored by President Jackson, who then unlawfully applied the Indian Removal Act without Cherokee consent. The Cherokees of Georgia were routed from their homes, deprived of their movable property as well as their land, and forced to commence the infamous Trail of Tears, during which they lost a quarter of their company.

That is one of the more extreme instances of Indian Removal from the Eastern US to an assigned space in the Indian Territory.<sup>5</sup>

#### JIM CROW AND SYSTEMATIC ILLEGALITY

My third example of the legal entrenchment of illegality is Jim Crow. I am not referring to racial segregation as such, as that practice was validated by the Supreme Court and thus enjoyed a measure of legal legitimacy, so long as the separation involved an equality of facilities. (More on that below.) I am referring rather to the system of racial subordination that prevailed for much the better part of a century, from the 1890s until the effective implementation of the 1960s civil rights enactments.

Begun around the end of the Civil War, Reconstruction lasted only a dozen years. After the Hays-Tilden agreement of 1877, federal forces were removed from the former Confederate states and federal efforts to secure the rights of African Americans were abandoned.<sup>6</sup> The South's principal landowners, who had earlier been its principal slave holders, resumed political as well as economic control of the South and embraced the movement to establish a social system

that would resemble chattel slavery as closely as possible. Coercion, fraud, and terror—punctuated by thousands of lynchings—facilitated the disfranchisement of African Americans and their economic subordination. Legislation to ensure the latter was permitted by the federal courts so long as its language was race-neutral. The result was a brutally oppressive system that fraudulently held millions of African American sharecroppers and tenant farmers prisoners of perpetual debt, and worse.

Many lynchings were public affairs; some were advertised in advance, and many participants were identifiable. Sometimes the event was photographed, with participants facing the camera, and prints were circulated as picture postcards through the US mail. Lynching was, of course, murder. Not fearing accountability, however, participants posed with impunity. Prosecutions were rare and, thanks to jury nullification, convictions were rarer still. The few officials who attempted to prevent lynchings or punish lynchers were subjected to social, political, or economic sanctions.

Public officials sometimes participated in lynchings. Some publicly expressed support for the practice. As late as the 1950s, a prominent Southern senator reacted to a voting rights campaign by openly calling for intimidation of those who might try to vote or even register. Northerners knew of such practices but declined to act against them. Anti-lynching legislation was proposed in Congress but was never acted on by both houses.

The administration of the criminal law was more generally inequitable. It was enforced more vigorously when crime victims were white than when they were black. African Americans were more likely than European Americans to experience unwarranted arrests, abusive police conduct, and unnecessarily extended detentions prior to arraignment. Police brutality was widespread against African Americans. Criminal trials of African Americans were much more likely than those of European Americans to be perfunctory. Courts frequently admitted evidence, including coerced confessions, against African Americans that would be considered inadmissible against European Americans. Punishments for African Americans were more severe than punishments for European Americans who were convicted of similar crimes.

Given the Supreme Court's requirement that separate facilities be equal, it is important to note the open and established practice by state and local governments of providing substantially inferior public facilities for African Americans, when they provided any at all. In 1947, the President's Committee on Civil Rights reported that segregated school districts failed to provide African American students with a proper public education. Only a disproportionately small fraction of public libraries served African Americans; a disproportionately small number of public parks and playgrounds were provided for African Americans, and those that were provided were decidedly inferior; streets in African American neighborhoods were more poorly maintained; and so on. Even the Supreme Court's validation of racial segregation implied, clearly, that these Jim Crow practices were unlawful.

Why should we remind ourselves of these past outrages? What difference can it now make? I want to suggest that the systematic, long-term, open violation of

law by officials is possible because of the maldistribution of political and economic power, which it also serves to maintain. The legal entrenchment of illegality can develop when officials serve the interests of a limited segment of the community and are able to violate the law with impunity—sometimes without any worry at all of unwelcome repercussions.

I say economic as well as political power, for the two go together. I do not know of any counter-examples to that generalization, and such a connection would seem to have provided the basis for the examples offered—in the rigidly stratified society of early Virginia, dominated by the Piedmont aristocracy; a century later, when European Americans had proved capable of subduing the indigent, and comparatively indigent, population; and in the post-Reconstruction South, whose agribusiness leaders were supported by influential friends in Washington and the North.

If so, we can infer some lessons. To prevent systematic official misconduct, political power must be widely distributed. To ensure the wide distribution of political power, economic power must not be concentrated in a segment of the community. In short, substantive inequality must be severely limited.

Those are necessary conditions for the kind of democracy that is worth aspiring toward and celebrating. Democracy is not just a matter of accessible ballot boxes. It requires an inclusive citizenry, with no second class citizenship.<sup>7</sup> It must be possible for the least advantaged to have an effective say about public policy. No social or economic class should dominate or be dominated.

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#### NOTES

1. It must be acknowledged that in such circumstances, which involve great inequalities of social power, officials often flout the law with impunity.
2. Except, of course, when such treatment was authorized by law, e.g., as legal punishment—an exception that has no bearing here.
3. The taxes that Britain imposed on its colonists were meant to help it pay off its war debt, which had been incurred in part by its military campaigns in North America.
4. Some of the colonies' western territorial claims were inconsistent. Parliament addressed that problem by its Quebec Act of 1774, which invalidated the colonies' claims to vast Native American lands by assigning territory north of the Ohio River to Quebec, now a British colony. Of course that only exacerbated the conflict between the Britain and some of its North American colonies.
5. This territory was roughly coincident with the land that in 1907 became Oklahoma.
6. That Reconstruction would fail had already been assured by Congress' refusal to endorse land reform, which was a necessary condition for the ex-slaves' economic and political independence and the transition to democracy.
7. This means we should dismantle practices that promote second-class citizenship, such as our racially biased and ramified system of mass incarceration; see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

# Engaged Learning as a Bridge to Civic Engagement

*Troy Duster*

“THE ARC OF THE MORAL UNIVERSE is long, but it bends toward justice.” This famous quotation—a Martin Luther King Jr. paraphrase of nineteenth century minister and reformer Theodore Parker—evokes one of the most inspiring images in the history of ideas and has provided a ray of hope during periods of setback in various struggles to achieve a more just society. Yet, it also conveys a dangerous sense of inevitability that may encourage passivity about long-term civic outcomes. Frederick Douglass’s authoritative articulation of politics offers a more engaged—and more realistic—vision of the struggle for justice. “Power concedes nothing without demand,” he said; “it never did, and it never will.”<sup>1</sup> Douglass understood that the arc is long in large part because those who have power and privilege in a society will, as a group, do whatever they can to hold on to their advantaged position. Because they have power, that power can and will be used to suppress those who seek change and the redress of injustice.

The German social theorist Max Weber pointed out that there are two ways that members of society come to accept the established political, economic, and social order: (1) intimidation through fear of coercion—i.e., a police state or its equivalent—and (2) acceptance of the legitimacy of the order of things.<sup>2</sup> Since most of us grow up in families in which we take what we see to be “normal,” we regard it as “normal” to accept one’s condition. This acceptance is the fundamental building block of what sociologists term “legitimacy.” If you grow up in a monarchy, then the monarch comes to be seen as the legitimate authority. If you grow up in a democracy, then the elected head of state comes to be seen as having legitimate authority. If you grow up in a theocracy, then. . . . But rebellions, insurgencies, coups, and revolutions do sometimes arise, and then the police power of the state comes into play.

Which brings me to a vital distinction between two strategies for change: *policy* versus *action*. *Policy* is a top-down strategy. Those in positions of power can and do shape policy decisions about the allocation of resources. Whether they come from kings and queens or from theocratic leaders, from presidents and prime ministers or from bureaucrats, top-down government policies come from those in authoritative positions of political power. In sharp contrast, *action* is a bottom-up strategy for change. From food-price rebellions to coal-miner’s

strikes, from masses taking the streets over unsolved brutal rape to demands for lower food prices, bottom-up popular action is all about the mobilization of people who do not hold positions of political power. Of course, this distinction between policy and action does not preclude the interaction of the two strategies. Indeed, policies are often responsive to actions on the streets or in the squares, and actions are surely circumscribed by and responsive to policies—calling out the military, the police, the national guard, or the king’s men, for example, but also loosening restrictions on speech or recognizing the right to convene meetings. It is this very interaction that is at the heart of a strategy to illuminate the potential and power of civic engagement.

#### A POLICY TO SUBVERT CIVIC ENGAGEMENT

Most authoritarian states seek to close off their citizens from seeing possible alternative ways of organizing the society and distributing its valued resources. In the period before the mercantile revolution, feudal societies could achieve and sustain “legitimate” order partly because so few traveled outside their own borders. As noted above, if we grow up with one version of reality, we tend to accept that as normal and, thus, legitimate. The mercantile revolution brought about massive trade, and with trade came movement and contact across cultures, nations, and, ultimately, urban centers of knowledge production, enabling a new flow of ideas. Authoritarian regimes in agrarian feudal societies began to fracture and transform, in part because of the shift in power from land owners to merchants and trading moguls.

But it is also true that border crossings and transoceanic travels meant exposure to other forms of political organization. The industrial revolution of the seventeenth century set the stage for the seismic events culminating in the French and American Revolutions at the end of the eighteenth century. Revolutions are a limiting case—the left end of a long continuum running from civic engagement to apathetic distancing from the public sphere. But it is important to note that civic engagement also appears on the right end of that continuum—meaning that there are opposite limiting cases—those that maintain and enforce the established, making a strong push to return to the older—the *ancien régime*, the monarchy, or the theocratic state.

In periods of revolutionary change, civic engagement has real and powerful reverberations across the population. The Arab Spring is the most recent example of how revolutionary times can affect participants who have experienced wrenching turmoil, generating “civic engagement.” In this case, the engagement can range from demonstration and protest to expressing their views at home and never venturing into the streets. Similarly, during the 1990s, the end of apartheid in South Africa civically engaged all sectors of the society with palpable civic intensity. The fall of the Berlin Wall in 1989 had a parallel impact across both East and West Germany. In this sense, civic engagement occurs whether or not one attends a public gathering, a rally, or a town hall meeting. It occurs in the barbershops, at the marketplace, and in homes at dinnertime. Citizens are engaged in politically charged conversations about the very nature of the society’s social, economic, and political structures.



But when the dust settles, and a new order comes into existence, there is always a notable decline in civic engagement. And herein lies the challenge for education and educators. Civic engagement becomes too much of an abstraction, a substance-free idea with little transparent relevance to the daily lives of citizens.

ALEXIS DE TOCQUEVILLE, MEET SAUL ALINSKY

While an increasing number of educators are reaching a remarkable national consensus that “engaged learning” is superior to “disengaged learning” (abstract, decontextualized, rote learning), what is actually meant by “engaged” varies widely. To help sort out the various usages, Stephen Bowen has created a taxonomy comprised of four categories: (1) engagement with the learning process, (2) engagement with the object of study, (3) engagement with contexts, and (4) student engagement with the human condition.<sup>3</sup> Bowen’s taxonomy usefully demonstrates how extensively the nature and applicability of learning depends upon the nature of the student’s engagement and his or her relationship to the learning context.

The idea that students learn best when they are “engaged” is as old as education and socialization. John Dewey, the dean of a distinctly American philosophical tradition called pragmatism, founded the University of Chicago Laboratory School on the principle that students would learn best if they were engaged in the process of growing food in a garden, then bringing it to the kitchen for preparation, and finally bringing it to the table for consumption.

One of Dewey’s curricular obsessions was cooking. The children cooked and served lunch once a week. The philosophical rationale is obvious enough: preparing a meal is a goal-directed activity, a social activity that is continuous with life outside the school. But Dewey incorporated it into the practical business of making lunch: arithmetic (weighing and measuring ingredients using instruments the children made themselves), chemistry and physics (observing the process of combustion), biology (diet and digestion), geography (exploring the natural environments of plants and animals), and so on. Cooking became the basis for most of the science taught at the school. It turned out to have so much curricular potential that making cereal became a three-year continuous course of study for all children between the ages of six and eight.

*Civic engagement remains an abstract idea for most students, because it is typically free from substantive consideration of the practical and the practiced*

When the subject matter is food, the science of food, or the production and economy of food, it is very easy to see the linkage of that subject matter to engaged learning. Civic engagement remains an abstract idea for most students, because it is typically free from substantive consideration of the practical and the practiced.

Here we can get some help if we bring together the theories and empirical observations of Alexis de Tocqueville and Saul Alinsky, two unlikely political bedfellows who, writing a full century apart, addressed very different elements

of American political society. Tocqueville's classic treatise, *Democracy in America*, was written in 1835. He was a Frenchman who spent several years observing the civic engagement of small-town America during the early nineteenth century. What struck Tocqueville most about the new nation was its people's remarkable inclination to join local interest groups in order to further the agendas of those groups. He went so far as to label the United States "a nation of joiners" because Americans were far more likely to engage the political process in this manner than were the citizens of any other large nation. Notice that the key element of this proclivity to join was the furtherance of the interests of a specific group. Such groups could be as diverse as the Kiwanis Club and the Masons all the way over to Abolitionist and Prohibition groups.

More than a century later, by convincing residents of the most neglected urban communities to press the city government for very specific services, Saul Alinsky pioneered a strategy that came to be known as community organizing. The classic examples of specific issues addressed are potholes in asphalt and burnt-out city lamps. One can begin to see from the examples both the theory behind the strategy and the reason for its successes. Potholes and burnt-out lamps are relatively easy to fix, and so community groups and political operatives can both have an interest in the outcome. For the community, collective mobilization that gets things done, no matter how minor, demonstrates political efficacy; for political operatives in city government, dispatching workers to fix such problems demonstrates effective government. But Alinsky was not just interested in fixing potholes. He wished to

*If "civic engagement" is considered a lofty abstraction and remains unconnected to community action, having little meaning for college students, then "engaged learning" would become the opposite pole of the continuum*

empower community organizations to address larger social and political goals.

The Woodlawn Organization (TWO), a Chicago community organization most active in the 1960s and 1970s under the leadership of Alinsky and local religious leaders, was the quintessential example of his early efforts—and remains an embodiment of the movement's core principles. After the street lights were repaired, TWO took on the issues of other inadequate city services, moving on to address substandard housing, community health concerns, and even unemployment. Responding to potential University of Chicago expansion, TWO successfully organized against the plan because it would have displaced nearby low-income residents. TWO successfully employed protests, boycotts, and other such methods to defend and advance community objectives. TWO and the university ultimately collaborated to form Woodlawn institutions that provided residents with representation and opportunities for leadership in addressing community issues.

If "civic engagement" is considered a lofty abstraction and remains unconnected to community action, having little meaning for college students, then "engaged learning" would become the opposite pole of the continuum. To be engaged usually requires attention to a substantive goal, whether it is the unfilled

pothole or an edible garden education project. So what might be a bridge to connect the two? This brings to mind the classic experiment in social psychology in which two teams of students competed to achieve a valued goal. One team was given an organizational requirement that leaders had to be elected. The leader of the second team was designated by the experimenter and given nearly authoritarian control over the strategies and techniques for achieving the goal. The different outcomes were interesting, but the most significant finding from the study was related to how much each group came to learn and understand about the nature of political participation. Most important, each group learned a vital lesson about how social organization affects relations between participants and about varying structures of political leadership and authority.

I now want to draw the triangular connection among Tocqueville's analysis of "joiners" who seek to further a group's agenda, Alinsky's insights about the baby-steps on the road to civic engagement and empowerment, and the engaged learning about political processes that emerged from the social psychology experiment involving two teams organized according to either democratic or authoritarian structures.

Most students arrive on a college campus with little or no practical experience with civic engagement. High school civics courses were once common, but they are now rarely a feature of the curriculum. Suppose that all college freshmen were required to complete a questionnaire about their knowledge or experience of civic engagement. Further, suppose they were informed that, before they graduate, they would be given a similar questionnaire, in order to see what impact their college education had made. Next, suppose that colleges and universities in a particular region were in competition for whose student body had the highest rating in "civic engagement," meaning an indicator of civic learning directly connected to engaged actions with consequences in the community. This would set the stage for some evaluation group to make that assessment, of course, but the competition would be local and regional. Some campuses might emphasize the Alinsky approach, providing incentives and rewards to students who engage in a local community (outside the campus) to help "fill the potholes." Others might find this problematic or risky, but would instead provide engaged learning sites and forums where students could engage in activities with an organizational structure on campus in order to lobby for a particular group interest. Students would define their own substantive concerns and interests—and there would be no shortage—from lowering tuition and transforming curricula to furthering the rights of gay or Muslim students and confronting anti-Semitism and racism. And perhaps most significantly, participation in the process itself would constitute effective engagement.

#### POLICY, ACTION, AND COMPETITIVE CIVIC ENGAGEMENT AWARDS

Earlier, I discussed the distinction between *policy* (top-down) and *action* (bottom-up)—and the interaction between the two strategies. Students mobilizing to effect change on campus are engaged in action, and what they confront is policy—as determined by college administrators. In this framework, the administration (and to a lesser degree, the faculty) constitute the *policy* element in these institutions.

The faculty, in general, are ill equipped and hardly motivated to teach civic engagement. In order for there to be any traction on the matter of increasing student participation, there needs to be a realignment of the rewards structure.

Few things animate university administrators and their public relations offices more than rankings with other institutions. So why not have a “civic engagement ranking” of higher education institutions, sponsored by, for example, the Bringing Theory to Practice project in partnership with the Association of American Colleges and Universities? Each institution could generate its own version of such engagement, but the key measure would be student assessment in exit interviews or exit questionnaires.

In the end, the quite appropriate question will be raised as to the purposes of increased engagement—why is it something to encourage? The first answer takes us back to the “arc of the moral universe” that “bends toward justice”—*but only if and when there is mobilization*. Second, while participation of the citizenry is the bedrock foundation of a democratic society, in ordinary times, for the bulk of the citizenry, that truth is typically either brushed aside or taken for granted. Yet, unless the capacity for mobilization is cultivated, concentration of wealth and power is the most likely trajectory. Thus, lastly, the increased concentration of wealth and the ever-widening gap between those at the top and the rest of the society pose a serious threat to democratic institutions.

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#### NOTES

1. Frederick Douglass, “West India Emancipation Speech” in *Frederick Douglass: Selected Speeches and Writings*, eds. Philip S. Foner and Yuval Taylor (Chicago: Lawrence Hill Books, 1999), 367.
2. Max Weber, *Politics as a Vocation* (Philadelphia: Fortress Press, 1965).
3. Stephen Bowen, “Engaged Learning: Are We All on the Same Page?” *Peer Review* 1, no. 2 (2005): 4–7.

# The Moral Imperatives of Civic Life

*Jean Bethke Elshtain*

CIVIL SOCIETY is on the tips of many tongues these days. This shouldn't surprise us—not in the American democracy. American civic life is not lopsidedly state-centered, as in Europe, but more dispersed, more open to citizens within the purview of their particular communities. When we speak of civil society, we call to mind that world of associational enthusiasm that so enchanted Alexis de Tocqueville when he toured the fledgling republic during the Jacksonian era. Tocqueville observed something new under the political sun—a world of civic engagement that was neither “officially” governmental, nor specifically economic. Civil society, then, is neither work life nor structure of governance but, rather, the many-sided world of churches, voluntary organizations of every sort, community networks, far-flung national efforts with local affiliates, and so on. Moral norms and notions are interlaced with civil society; indeed, people propel themselves into community and organizational life because there are things they care about, values they endorse, goods they embrace. Without morality, there would be no civil society as we have come to understand it.

A decade and a half ago, I chaired a council on civil society that produced a report entitled “A Call to Civil Society,” which was released to the nation at large. Our council was composed of a bipartisan group of distinguished citizens from many walks of life—law, politics, the professoriate, community organizers, mothers' organizations, the clergy, business, and labor. The premise that underwrote and framed all our thinking was a profound yet simple one: American civic life is a moral imperative. Some critics took strong exception to our findings and our claim. “No,” they declared, in so many words, “civil life is about economic interest or power, about who gets what, when, and how.” Some even suggested that we had knowingly steered the discussion away from “structural constraints” to the ground of “personal morality” because we had not wanted to tackle the “power” and “income” disparities in American life. But the ground of morality

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is where Americans have always engaged politics. Think of abolitionism, the Women's Christian Temperance Union, the Southern Christian Leadership Conference, and other peace and justice organizations.

There is a long history to all of this, for American civic life from its inception was premised on the complex intermingling of moral and civic imperatives. If you reread the papers, pronouncements, declarations, and letters of our founders, the moral tone is inescapable. Even those who, like Thomas Jefferson, were not traditional Christians (though the vast majority was) spoke of "nature and nature's God" and about the divine providence involved in America's coming-to-be. They had no doubt that the American project was a moral as well as a civil experiment.

With what many have called the "refounding" of our nation during the Civil War, the tone of America as a moral project grew ever more explicit and profound. In his great second inaugural, a masterpiece of brilliant prose and economy, Abraham Lincoln evokes God no fewer than fourteen times—this in an address that is only a few pages in length. So the critics really didn't have a leg to stand on when they complained that we were somehow substituting "morality" for "politics." In America, you cannot separate the two. So powerful was this intermingling that Lincoln could refer to the high-mystic ties of brotherhood that linked us to our fellow citizens. In *Just War Against Terror: Ethics And The Burden Of American Power In A Violent World*, my book about the horrible events of 9/11 and our reaction to it, I wrote of the poignant and proud "civic fellowship" that we, as citizens, experienced in relation to all our fellow Americans as we identified with one another and, most especially, the bereaved families of the murdered innocent.

To be sure, there are many foreign critics, as well as the domestic ones I have noted, who either cavil at the American connection of the moral and the political, or fail to understand it at all. For example, there are foreign critics who see the hand of a crude would-be theocracy lurking just beneath the surface of the moral pronouncements of our political leaders, Democrats and Republicans. Critics do not appear to appreciate that, were one to yank the moral imperatives out of the American civic life historically, and currently, there would be very little left. And critics often fail to understand that one of the most cherished values of many who participate in political debate is the free exercise of religion. No one wants a theocracy. But citizens have always sought ways to embody certain cherished norms in political life.

Consider, if you will, but a few of the moral civic projects or civically moral projects of the American past. The quest for independence itself was construed in moral terms. This wasn't just a power grab by a few agitators on the eastern seaboard of the United States. No, in the hearts and minds of those making the case for revolution, a deep moral ethic, grounded in a providential understanding of history, lay the American appeals for, and claims to, independence. The rights of America colonials as Englishmen were being abridged, to be sure. But more, much more, than that. Our God-created and sustained liberties were also being violated by the English king.

The colonists launched what, in the writings of political philosopher John Locke, an influential figure to our founders, was called "the appeal to Heaven."

By this Locke meant that, were political remedies unavailable to deal with egregious and continuing violations, a people could, *in extremis*, make their “appeal to Heaven.” That meant they articulated clearly their grievances before God and man; they demonstrated the ways in which a political and civic standing grounded in our very natures was under assault. In political statements, the rebels declared their allegiance to certain universal laws of nature, good for all times and places. And God was the author of these laws.

In the nineteenth and early twentieth centuries, a number of convulsive social and political movements forged powerful links between religious faith, morality, and desired political ends. I have already noted abolitionism, the temperance movement spearheaded by the Women’s Christian Temperance Union, and the Southern Christian Leadership Conference. None is understandable outside an appreciation of the moral imperatives for civic engagement each entailed. Abolitionism and women’s suffrage drew upon biblically derived norms to critique what amounted to systemic assaults on those norms. In the cases of such conflict, we are obliged to obey the “higher law” rather than the flawed and unjust laws of man—or so went the argument. Slavery denied the moral equality of all persons in the eyes of God, and the presumptions concerning decent or ill treatment that flowed from that equality. Separating women from the franchise, consigning them to second-class citizenship based on gender alone—and, thus, to a non-civic status in a full-fledged sense—raised deep moral questions of political morality.

The third movement on my list—temperance—is in a rather bad odor these days. We see it as an example of narrow moralism rather than acceptable morality. But to the vast armies of women who were soldiers in the temperance armies, excessive drink was directly responsible for the ruination of families and the catastrophes that flowed from that. Regardless of whether one finds temperance arguments persuasive or prudent, it would be patently absurd to refuse to see the robust link between morality and politics that this and so many other broad-based movements for civic and social transformation entailed.

On a smaller scale, in thousands of communities nationwide, citizens, including the hundreds of thousands of women who could not yet vote but were engaged in a plethora of civic activities nonetheless, did the hard work of building and sustaining decent communities on the basis of deeply cherished moral imperatives—most often derived from their faith. From the beginning, then, religious faith has mutually engaged with and helped constitute political life.

Skeptics might grant this much, but then go on to argue that “that was then, this is now.” They would describe “now” as a period when there is no workable civic consensus on almost all politically and morally fraught matters; when we are a vastly different and religiously pluralistic nation, where once we were more uniform; and when the necessary civic projects can be undertaken most effectively in the absence of religious or moral influence. Religion they see as encouraging obstreperousness and dogmatism, as a way to try to “shove things down people’s throats.” Since morality in America most often derives from religion, it follows to these skeptics that we are better off without either, where the civic world is concerned. Other critics might not go that far, but would say that they aren’t against morality—they just



think it belongs in private life and should not be a central part of civic life, for that to thus involve it would be an inappropriate mingling of “church and state.”

Such criticisms are rather easily answered, I think. On the issue of dogmatism, all one need do is point to the many “dogmatisms” favored by self-declared “secularists” in order to demonstrate that dogmatism and religiously based morality are not synonymous. There is plenty of dogmatism—from time to time—to go around. One might then go on to show how ordinary American politics would come to a dead halt were morality to be stripped from it, for Americans think of their lives and the lives of their communities in inescapably moral terms. To insist that persons of faith with moral convictions are obliged to cast aside those beliefs when they enter into political dispute is to unfairly saddle about 80 percent (or more) of the American public with an unfair burden. This is not a matter of blurring church and state. Church and state are

not synonymous with religion and politics. We keep the first pair separate; we put the second pair together all the time.

Let’s go back to “A Call to Civil Society,” the report to which I earlier referred. As we reminded readers of the report, America is unique in being a polity knowingly brought into being on the basis of a cluster of universal moral propositions. It is overwhelmingly the case that much of our civic life has been involved in trying to bring our *practices* into greater harmony with our *principles*. If we truly believe that our liberty and dignity come from God, what political implications flow from that? If

*Those engaged in civic life on the basis of moral imperatives are more likely to articulate reasons for engagement that go beyond self-interest*

we truly believe that we cannot have decent politics absent a sturdy moral compass, what difference does it make? Every reader can answer the first of these two questions himself or herself, for we have seen the answers work themselves out in our history in and through the movements I have already noted—and more. Think again of Martin Luther King Jr. and the Southern Christian Leadership Conference and the moral-political fight for integration. Think of a variety of ethical responses to war and war-making. Think of concerns with third-world poverty or the AIDS crisis or just about any major global problem and, when you do, you will find moral voices crying out. So the first question finds ready answers.

The second question is a bit more difficult. What difference does it make? Do we really need God-talk if we have rights-talk? For God-talk, at least as much as rights-talk, is the way America has spoken and continues, to a remarkable extent, to speak. I see the difference working itself out in a number of ways.

First, we know from the most reliable social science research, such as that featured in Robert Putnam and David Campbell’s *American Grace: How Religion Divides Us and Unites Us*, that persons who attend church regularly are far more likely to be active participants in their communities on the civic level than those who have little or no connection to religion. So there is an empirical dimension available to us. The difference religiously derived morality makes is that it is more likely to get us up and out of the house and into civic life than the alternative of no religious connection or a very “thin” one.



Second, those engaged in civic life on the basis of moral imperatives are more likely to articulate reasons for engagement that go beyond self-interest. When Tocqueville toured America, he noted something new under the political sun, namely, the extraordinary role religion played in American civic and political life. So important was this to Tocqueville that he devoted many chapters of his masterwork, *Democracy in America*, to the theme. Tocqueville believed a quest for democratic equality was nigh irresistible. But he feared that certain excesses might follow as everybody hunkers down in an individualistic way and goes in quest of the same thing. This might invite what Tocqueville called “democratic despotism,” a terrible isolation of selves with the government increasingly a powerful and remote stranger.

To forestall this dire outcome, Tocqueville insisted that religion and its robust presence would become more, not less, important as American democracy matured. For religion and religiously derived moral imperatives call us out of ourselves; call us to come to know a good in common we cannot know alone. By this Tocqueville did not mean that everyone had to become an evangelical or be “born again,” as it is called—then and now; rather, he insisted that strong religious institutions help keep hope alive. Hope is born anew with the birth of each child. The world into which we are born may nourish or crush that hope. Religion nurtures and sustains hope as a constituent feature of our identities and our morality. It insists that we engage one another hopefully, that we really are our brothers’ and sisters’ keepers. It was said of the early Christians, “see how they love one another.” Something of that love, or *caritas*, is necessary if we are to forestall a slide into isolating individualism and sustain the hope that, in turn, nourishes civic life.

Those of us who are involved in the “civil society debate” often speak of civic virtue. I prefer the plural, for civic virtues are plural, not singular. Engaging with others from a stance of open-hearted conviction and sincerity is a civic virtue, and one that requires patience. When we try to engage others in order to persuade them, we open ourselves up to persuasion at the same time. It takes a bit of fortitude to do that. We know that we are never going to get our own way all the time. Compromise is a civic virtue in a democracy. Decent compromise is something we have to learn, as this civic virtue doesn’t come easily. When I was in Prague, the Czech Republic, in the heady days following the Velvet Revolution of 1989, I was told by a dissident who suddenly found himself in the government that one of the things he and his compatriots had to learn was the virtue of compromise. “For us it has been a dirty world,” he said, “because we refused to compromise with the communist regime. But now that we are democratic citizens, we must treat compromise as a virtue, as a lesson to be learned.”

Moral courage is a civic virtue. It takes some gumption to go against the grain because you believe a deep moral norm is being violated. There is a story about the redoubtable Elizabeth Cady Stanton, one of the founders of the woman suffrage effort and its leading theoretician. It is quite likely that when stumping for suffrage in Kansas in the company of Kansas suffrage leaders, Stanton prepared the leaders to go on stage to face hoots and cat-calls, to hold their heads high and persevere; to have a bit of stage courage; to stand fast even at the risk of being a bit unpopular.

Participation is a moral virtue. Critics of the insistence that civil society is a moral imperative sometimes say things like, “Well, since you like participation so much, I guess that means you cannot criticize the Ku Klux Klan or the militias. They certainly mobilize people to participate!” At this, one shakes one’s head ruefully. For if such critics were paying careful attention, they would understand that participation of the sort civil society advocates, honors, and praises must be consistent with the dignity of the human person. Most of our highly charged moral-political debates have to do with human dignity. The abortion debate forces one to ask who is inside or outside of the moral community. Is the unborn child a moral being of infinite worth, or not? From the stance of human dignity, rather than exclusively “rights,” this question looks rather different. End-of-life issues vex and alarm us. We hear the phrase “dying with dignity.” But what does this mean? If we think of human beings as beings of infinite worth, what responsibilities does this impose on us if one among us is ill or infirm or permanently disabled?

Unfortunately, with the hotly contested stem cell debate, some have chosen to represent the issue as science versus private faith, or science versus irrationality. But here, too, questions emerge concerning human dignity and worth. Are we permitted to establish a set of businesses devoted to the manufacture and destruction of human embryos? Or is an alternative perspective right, does this treatment of embryos amount to an unprecedented “instrumentalization” of human life? These questions give us a framework for debate as we keep in mind the moral imperatives that frame civil society rightly understood. Civil society cannot be a realm within which private interests masquerade as public concerns. Instead, through participation in civil society we come to know a good in common that we cannot know alone. It follows that no form of activism that systematically degrades and ill-dignifies whole categories of people because of accidents of birth (like race or gender) can be part of a world of morally derived civic virtues.

Finally, we live in a morally divided era. On many of the central moral issues there are deep and abiding disputes. In a democracy, it is the case that these disputes will come to the surface and be debated, hopefully in a spirit of civic brotherhood and sisterhood. The events of 9/11 and the Boston Marathon Bombing remind us in the most shocking and horrible way how much we are a part of one another; how much a murderous assault on some is a murderous assault on all. As Lincoln put it in his first inaugural address, “We are not enemies, but friends. We must not be enemies.” We can live with our differences so long as they do not become dangerous divides that invite invidious assault. Perhaps one might say, in conclusion, that civic engagement as a moral imperative calls us to active civic life and, additionally, calls upon us to temper our claims in order that all of us might participate in civic life as equals one to the other.





PART 3

Civic Practices:  
Aspects and  
Analyses



# Pedagogic Principles for the Production of Knowledge in Deeply Plural Societies

*Adam B. Seligman*

*Temples have their sacred images, and we see what influence they have always had over a great part of mankind. But in truth, the ideas and images in men's minds are the invisible powers that constantly govern them, and to these they all universally pay a ready submission. It is therefore of the highest concernment that great care should be taken of the understanding, to conduct it right in the search of knowledge, and in the judgments it makes.—JOHN LOCKE, Of the Conduct of the Understanding<sup>1</sup>*

WE WOULD ALL AGREE that there can be no civilization without our capacity to generalize knowledge—that is, the ability to abstract, systematize and generalize from particular cases to universal principles.<sup>2</sup> This capacity allows us to establish what John Henry Newman called “creations of the mind,” which he contrasted to the “direct apprehension” of experience itself.<sup>3</sup> But there is also no civilization if all particularities and individual histories, experiences, and insights are reduced to what is most abstract. Any act of human creativity will be some balance of the general and the unique, the abstract and the particular, the universalized and the embodied. The trick is always to find the balance between the two.

To a great extent, the knowledge valued and transmitted in the university tends to be only that which is generalized and generalizable, abstract and universal in nature to an almost total disregard of the particular, unique and singular.

Part of this generalized default of the university and the knowledge base it develops is rooted in the very mission of the university to transmit knowledge in a manner that is cost effective—that is, in fact, profit producing and that does not impinge on the ruling ideological definitions of personhood, separation of public and private realms, and privatization of the good. For to transmit particular knowledge in particular forms is a labor-intensive and time-consuming enterprise which demands a degree of commitment, intense inter-personal communication, trust, and sacrifice that universities are simply not set up to provide. Particularized modes of pedagogical communication are, in fact, much closer to what is communicated in a “truth community” such as a yeshiva or a madrasa or a monastery.

These “truth communities” are dedicated to the reproduction of religious knowledge, indeed of a religious system—one that defines the most abstract and general in terms of the most personal and unique. However, our challenge is, if

possible, to create a pedagogical context that resembles such “truth communities,” but without the particularistic visions that accrue to them (i.e., their definitions of the sacred, be they Christian or Muslim or Jewish). Can we develop an embodied pedagogical practice that is shared by members of different “truth communities”—that is, among those who do not share the fundamental terms of meaning? To do so, we would need to develop an enterprise that attends to the specific in each community, and we would also need to resist an exclusive pedagogy of systematization and generalization.

Generalization, of course, tends to reduce differences. The particularities—which are precisely where the differences are felt—are relegated to the trivial, or lost completely. They are no longer assumed to be part of a shared knowledge base. The shared is precisely what is seen as generalizable. Of course, what really happens is that the particular is not “lost,” it simply retreats into the private realm—into the synagogues, mosques, temples, and churches of the world, or into defined zones of ethnicity, where it forms the meaning and boundaries of trust and an almost infinite grid of explanation for the members of that community.

The real challenge of any pedagogy that will promote living together while maintaining substantial differences in values and practices in a complex world is just this: can we take individuals from very different, context-rich, communities, who have very different interpretive grids and share a pedagogical experience without either turning everything into a form of generalized and context-free knowledge (the type we are so good at developing in the university context), or without reducing everything to the purely individual and relatively atomistic vision of self and society?

What follows is a presentation of how we could produce an outline of pedagogical practice, progressing toward gaining an understanding of “how to live together differently.” The claim here is that by exploring a pedagogy that balances generalized knowledge with particularized attention to individual experience, we open an approach to knowing and living in a diverse world with multiple and opposed “truth communities.” This, I think, is the overwhelming challenge of our new global order.

#### KNOWLEDGE AND GROUP BELONGING

Knowledge is collective, not individual. What we know, we know collectively, as part of a group. Our categories, ways of understanding, moral judgments, boundaries of what is permissible and prohibited, basic frames of meanings, fears and desires—all of these are, in a strong sense, social. We hold them together with others, and not simply as individual beliefs.

As knowledge is collective, it is important that we understand that knowledge is bound up with whom we trust. Almost always, we are called upon to grant moral credit to some source in matters that are, by their nature, almost always morally ambiguous. We may not dispute any particular “fact” or set of “facts” (the building of a mosque in lower Manhattan, the knifing of a gay marcher in a gay pride parade in Jerusalem, the murder of a Jew in Paris, the establishment of hidden cameras in the Muslim neighborhoods of Birmingham,



UK), but the frame of the act, the set of relevant external bits of information and histories needed to explain them, will frequently be decided on the bases of our group belonging and the moral credit that we, as members of one or another group, grant to the act of inclusion or exclusion of information. Doing so determines what is relevant or irrelevant to this particular case.

These “truth communities,” which may be religious or secular, we may now call “communities of belonging.” Communities of belonging are not universal, but are bounded (just as families are bounded); they have their own histories and their own trajectories, their own languages and jokes, their own obligations, taken-for-granted worlds—their own understandings of home. They may be more or less open, more or less ascribed, their boundaries may be more or less permeable, but they do have boundaries and always define some “us” as against some “other.”

Communities are thus real, live, active entities within which human actors are born, thrive, live, die, and makes sense (or don’t) of their worlds and the worlds of others. We cannot live without these communities and, despite all dangers that arise from them, there is no possibility of human life or achievement outside them. Consequently, in our pedagogical endeavors it is important not only to stress what we may have in common with the other, but also to accept and attempt to build on our differences. For our differences are precisely the markers of these different communities of belonging that define who we are and that provide the settings in which we live our lives and where we feel most secure.

Our goal should be to see just how far we can build trust and, hence, a common store of knowledge across different communities. Can we, as a group made up of individuals who are all members of different communities

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of belonging, construct some minimum—a “good enough”—framework of trust, in some very small arenas of knowledge, that will in turn allow us to construct a shared frame of reference that can be drawn upon when events that may divide our different communities threaten the ability of our fellows to live their differences together? To what extent can we grant moral credit (trust) to others—to those who are not members of our own group—and so share with them some common frame of understanding and knowledge, despite being members of very different communities, tied to different myths, obliged by different commandments, and loyal to different particularities?

We must seek to construct a set of experiences that is shared—the generalizable—but that also leaves room for the particular. By sharing experiences, we can perhaps find the way to build trust, even as we remain loyal to our own particular communities of trust and belonging. Shared experience of what can be called “embodied knowledge” is central to any attempt to construct new communities of understanding across different communities of belonging (or at least to point at that possibility). Shared experience provides the necessary basis for constructing what are, by definition, new frames of knowledge across our different communities of belonging—providing the needed balance of generalized and particularized pedagogies.

When my experience of the Jewish other or of the Moslem other or the Sikh other, in all their varieties and differences and subtle particularities, begins to compete with my taken-for-granted understanding; when I see what I can share with him or her, and what I cannot; and when my worst enemy turns out not to be the devil incarnate, not some bogey-man with horns, but simply a member of an ethno-national group, involved in a horrific struggle over land with another ethno-national group to which I may feel particular ties of attachment (though I live thousands of miles away)—then I have begun the process of what can be called turning knowledge *of* into knowledge *for*. Here, we approach what should be a core pedagogical principle: shared practice, rather than simply shared ideas or meanings, is focused on knowledge *for* rather than knowledge *of*. Conditional knowledge, which is knowledge that has been framed for a specific purpose, can be shared across communities—even as our categorical propositions, our “assertive” knowledge, remain firmly rooted within our different communities of belonging.

Two objectives, then, are achieved through shared experience and embodied knowledge: the first, widening somewhat the circle of trust, those to whom we may grant moral credit, to those who may not be members of our own community of belonging—but with whom we have travelled part of a weary road. The second, the reframing of the knowledge that is necessary to work and share a world with the other—reframing knowledge *of*, to knowledge *for*—from those propositions which we categorically assert, to those which embody conditional knowledge relevant to some shared purpose. Both, hopefully, bring us to a point where experience precedes judgment—individualized experience balancing the generalized—rather than, what usually happens, the other way around.<sup>4</sup>

#### PEDAGOGY AND PRACTICE

In many ways, the emphasis on experience preceding judgment brings to mind the writings of the father of American pragmatist philosophy, John Dewey. Dewey, too, taught us to pay greater heed to experience, rather than to our always-already-existing perceptions. In fact, Dewey attempted to teach us to think in new ways—to think, as he termed it, “reflectively.” Yet, he cautioned, “Reflective thinking is always more or less troublesome because it involves overcoming the inertia that inclines one to accept suggestions at their face value; it involves the willingness to endure a condition of mental unrest and disturbance. *Reflective thinking, in short, means judgment suspended during further inquiry; and suspense is likely to be somewhat painful.*... To maintain a state of doubt and to carry on a systematic and protracted inquiry—these are the essentials of thinking.”<sup>5</sup> Thinking through, considering, experiencing, suspending judgment even as one forms new conjectures, can lead us, hopefully, to new forms of action.

Our encounter with the other has the potential to open up new possibilities for understanding, self-reflection, and, ultimately, for action. To realize this potential, however, we must be willing to meet the other as an equal. We must be open to the other and to the dialogue that may ensue. Dialogue, genuine dialogue, however, exists only where—as Martin Buber has taught us—“each of the participants really has in mind the other or others in their present and particular

being and turns to them with the intention of establishing a living mutual relation between himself and them.”<sup>6</sup> Such mutuality implies, as well, our willingness to relinquish control of the developing encounter. While not negating ourselves, we must nevertheless abandon our inherent desire to control the situation and order it according to our own dictates. This is not easily achieved. But it is not impossible either.

It is said that an explanation is that place “where the mind rests,” meaning that once an explanation is given, the examination of further (additional or alternative) explanation stops. And what a genuine dialogue entails, of course, is, precisely, changing the place where the mind rests. Now minds are very busy things—constantly moving, restless, questioning and querying. When does the mind rest? One place it rests is when the particular purpose of its questioning has been fulfilled. I may have a need to explain why the hammer is not in its proper place (because Joey forgot to return it after he made his workbox for shop), so as to be sure that it will be in its place the next time (and I make a mental note to tell Joey in no uncertain terms to be sure to return my tools whenever he takes them). I do not need (or think I do not need) to know why Joey forgot to return the hammer (i.e., it is irrelevant for me whether it is because his friend Pete called him out to play ball before he had finished cleaning up after he made the workbox, or whether it was because he came in for a glass of milk and dropped the bottle and slipped on the milk when cleaning it up and had to change his shirt and then his grandmother called, etc.). The endless regress of reasons is irrelevant for my purpose (of making sure the hammer is always returned to its place after use). The mind rests when the purpose for which an explanation has been pursued has been met.

This explanation of when the mind rests draws heavily on what Dewey defined as an *idea*. For when we have an idea of something, it generally means that we have explained it to our satisfaction—leaving our mind, as it were, at rest. Our satisfaction is, in turn, determined by our ability to frame the given reality facing us with sufficient supplementary information for us to *know what to do*. Here is the value added of Dewey’s thought. For while explanation rests with an idea that we form of something, this idea is, according to Dewey, an amalgam of the currently available physical reality before us, together with additional interpretive data that frame this reality in a broader, meaning-giving context—a *context defined by our specific purposes*.

The orientation of thought to *purpose* (having explanation rest at a place, a purpose) is of extreme importance. We must recognize that the orientation of thought to purpose is to recognize moving from providing a *knowledge of*, to providing a *knowledge for*. This means that in the context of encountering difference it is not sufficient to learn about (have an idea of) the other, rather it means to have ideas *for* certain joint purposes—for a set of “to-does.” A purpose becomes the goal towards which our explanations should be oriented.

*Our encounter with the other has the potential to open up new possibilities for understanding, self-reflection, and, ultimately, for action*

When the place of explanation, the place where the mind rests, is identified only in terms of *knowledge of the other* (and that other is an individual living in very different circumstances and with different cultural codes and different communities of belonging), the result is often a heightening of social exclusion. Said individual's difference appears so great, so different in terms of worlds shared, that the "default" position is one of constructing an almost impregnable cognitive and emotional barrier, behind which the mind can rest in relative peace and security. However, the real experience of a transformative encounter (living together) allows knowledge to be connected to purpose—a *knowledge for*, connected to actions that are purposeful, which sidesteps these pitfalls to allow the construction of a shared world.

All of this brings us to what I like to call the idea of embodied knowledge—that is, knowledge focused on particularities and, hence, what is, in essence, experience. Experience, as Dewey has taught us, is the central component in thinking. "To 'learn from experience,'" he tells us, "is to make a backward and forward connection between what we do to things and what we enjoy and suffer from things in consequence. Under such conditions, doing becomes a trying; an experiment with the world to find out what it is like." In this process, the

*We must enter a process that can only be realized through a slow, cumulative, and not always conscious process of straddling the boundaries of our existing and developing modes of thought through the challenges of shared action, of embodied experience*

intellect cannot be separated from experience, and the attempt to do so leaves us with disembodied, abstract knowledge that all too often emphasizes "things," rather than the "relations or connections" between them.<sup>7</sup> Such knowledge, however, is of precious little help in developing a framework of meaning. Meaning rests not on the knowledge of "things," but on the relations between them—that is, between us. These relations, in turn, as Dewey argued, can only be assessed through experience, because only through experience do we bring the relevant relations between things into any sensible sort of juxtaposition.

Think of this in material form, and then draw out the relevance for human relations. The relevant relations between fabric, wood, staples, hammer, stain pot, and brush are only made relevant in the construction of a chair. Without the experience of chair-making, the relations between the components, even the definition of the component elements, is open to endless interpretation. Moreover, if I were building a light air glider, the relevant relations—of tensile strength, thickness, suitability of material, etc.—would be different. Thus meaning, emergent from experience, can only be supplied by the goals toward which we aspire—as indeed, experience, as opposed our simple passive subjugation to an event, is always in pursuit of a practical aim.

In terms of the construction of a shared social world, we are in the same situation and must learn from and, hence, be open to experience—rather than preconceived ideas and abstract forms of knowledge. We must enter a process that can only be realized through a slow, cumulative, and not always conscious

process of straddling the boundaries of our existing and developing modes of thought through the challenges of shared action, of embodied experience.

For the experience of the other, the encounter with the other—can only be expressed in action. It is constituted in the doing, and only in the doing—in the practice, in the pragmatic orientations taken when we find ourselves in the midst of an uncontrolled encounter with what is different, in the midst of acting together. Experience is much more art than science. In fact, I would say that the art of the encounter with the other, and the openness to the transformative potential this encounter contains, actually constitutes experience.

I would like to end by presenting the following as a “tool-kit” of possible ways to further such reflective thinking and openings to shared experience:

- Hold all claims to absolute truth in abeyance. In terms of concrete action, most such claims are irrelevant and often counterproductive. (One does not need to know reigning theories of subatomic particles in order to cut the wood for a living room shelf.)
- Recognize the partial nature of any and all understandings. “Explanation is where the mind rests”; it is never the place of full knowledge, but only of a purpose well served.
- Allow experience to precede judgment. Bring in the minimum assumptions needed to get the job done, rather than a check-list of principles against which the experience itself is to be verified.
- Knowledge *of* others needs to give way to knowledge *for* others, and we should be careful to define this *for* in non-ideological terms, without reference to our own fantasies and fears.
- Distance our commitments (to your own well-being or the well-being of our group, for example) from the experiences we will need in order to consider an explanation of the concrete other with whom we are in contact.

Ultimately, I believe it is the very privileging of shared experience over abstract thought—including ideological posturing or theoretical constructs—that offers the only way to provide the conditions necessary for overcoming relations of social exclusion in today’s world. It is thus perhaps the most important pedagogic challenge we face in our increasingly and deeply pluralistic world.

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#### NOTES

1. John Locke, *Of the Conduct of the Understanding* (New York: Maynard, Merrill, & Co., 1901), 18.
2. This essay draws deeply on my decade of experience in directing the International Summer School on Religion and Public Life ([www.issrpl.org](http://www.issrpl.org)), which is devoted to learning how to live together differently in a global society. Each iteration of its two-week summer sessions brings together five or six faculty and approximately forty other academics, community leaders, political and social representatives, clergy and artists—all chosen because their inclusion brings different perspectives, behaviors, or opinions to the consideration of a common topic. Summer series have occurred in Botswana, Bulgaria, Nigeria, England, and Canada, and topics have ranged from AIDS to Islamic law. This essay also draws from a speech given at the December 2008 international conference “Exclusion: A Challenge to Democracy.”
3. John Henry Newman, *An Essay in Aid of a Grammar of Assent* (Notre Dame, IN: University of Notre Dame Press., 1992), 38, 124.
4. This might be one way of characterizing the pedagogy of the International Summer School on

Religion and Public Life’s “schools.” By structuring a group comprising multiple differences, begin with shared experiences, then move from knowledge *of* to knowledge *for* (i.e. living together meaningfully) so that experience precedes judgment and conversation.

5. John Dewey, *How We Think* (Boston: D.C. Heath, 1910), 13 (emphasis added).

6. Martin Buber, *Between Man and Man* (New York: Routledge, 2002), 22.

7. John Dewey, *Democracy and Education* (Radford, VA: Wilder Publications, 2008), 124–7.

# The Logic of Civic Possibility: Undocumented Students and the Struggle for a Higher Education

*Margaret Salazar-Porzio and George J. Sanchez*

IN OCTOBER 2010, the State of Georgia Board of Regents altered the admissions policy of the top five public colleges in the state to prevent the admission of any undocumented student as long as there is a single academically qualified American applicant or legal immigrant who has been turned away. When put into action, the new policy prevented the admission of all undocumented students. A spokesman for the board of regents claimed that this was an equity issue—that every available spot in America’s public universities should be reserved for people who are in the United States legally. But undocumented students understand this as a civil rights issue that prompts civic action. The moment the regents adopted the new policy, a small contingent of students, scholars, and community activists jumped into action to establish Freedom University, a small underground university for undocumented students in Athens, Georgia. Within a month of its creation, the school consisted of one classroom, four volunteer professors, and thirty-three students; eight additional students had to be turned away because of space limitations.

They named it “Freedom University” in honor of the Freedom Schools of the Deep South that were established during the civil rights movement in order to educate people who were excluded from public education because of segregation. While some say this restriction on undocumented students is a matter of equity and fairness for US citizens and documented immigrants, Freedom University makes it clear that it is, in fact, a civil rights issue connected to the similar struggles that people of color experienced in the 1950s and 1960s. Freedom University professor Pam Voekel explained that undocumented student activism is driven by the strong desire for education. The students wanted to do more than protest; Voekel relates that the students declared, “We want to be in a classroom. How you could really help us, professors, is to offer courses.”<sup>1</sup> In the naming of the university and the recognition that access to higher education is a civil rights issue, these students and professors formed a politics of solidarity that situated the struggle of these undocumented students within the context of the civil rights movement and the revitalization of democracy through civic action. Undocumented students in other states have also formed organizations to fight for the right to higher education and, collectively,

have helped shape the politics of the national movement to pass the “Dream Act,” which would give these students access to a college education by giving them a path to legalization and eventual citizenship. How might we read civil rights history as an analytic of the present, rather than just as part of the legacy of another time? Or how might this new chapter in the ongoing struggle for civil rights in the United States give shape to contemporary civic engagement? In this chapter, we seek to understand both the historical and contemporary connections between civil rights struggles, civic engagement in higher education, and the lives of undocumented students.

In 1982, the United States Supreme Court ruled in *Plyler v. Doe* that undocumented children must be provided access to a free public education, because public education enables them to function with a civic institution, helping prepare them to exercise civic responsibilities later in life. Reacting to a 1975 Texas law that denied undocumented children access to public education, the court’s majority ruled that “without an education, these undocumented children, already disadvantaged as a result of poverty, lack of English speaking ability and undeniable racial prejudices... will become permanently locked into the lowest socio-economic class.”<sup>2</sup> But the Supreme Court only guaranteed access to K-12 education, ensuring only that undocumented children would be able to graduate from high school. Meanwhile, the 1986 Immigration Reform and Control Act (IRCA) gave amnesty to all undocumented residents who entered the United States before January 1, 1982. As part of the IRCA, almost three million people were granted legal status, but this was the last comprehensive attempt to provide a path to citizenship for undocumented residents in the United States. As the number of undocumented immigrants in the United States has continued to climb in the late twentieth and early twenty-first centuries, the number of children—many not yet school-aged—brought by their parents without papers has also continued to increase. According to a 2008 estimate by the Department of Homeland Security, the undocumented population includes approximately 3.2 million children and young adults under the age of twenty-four.<sup>3</sup> In 2009, the children of unauthorized immigrants made up 6.8 percent of students in the United States enrolled in kindergarten through grade twelve; in five states—Arizona, California, Colorado, Nevada, and Texas—one in ten students in those grades is undocumented.<sup>4</sup>

Each year, sixty-five thousand undocumented students who have lived in the United States for at least five years graduate from high school, yet they face significant obstacles in seeking to continue their education into college.<sup>5</sup> Federal laws prohibit financial aid from the national government, and most states require that they pay higher out-of-state tuition to public universities—even when their K-12 education was completed in the state. Many of those who attempt to further their education have to work long hours to pay for college; they are often forced into jobs where their status is ignored, yet they continue to risk detection and possible deportation. Not surprisingly, only 49 percent of all undocumented young adults between the ages of eighteen and twenty-four are in college or have attended college, compared to 71 percent of US-born residents.<sup>6</sup> While the struggle to obtain a college education is monumental for most undocumented



students, the story of Freedom University in Georgia points to the extraordinary efforts being made all over the country to fight for this civil right. From public marches and student walkouts to individual acts of sacrifice and local community projects, undocumented students are engaged in some of the highest stakes forms of civic engagement in higher education today. Often overcoming fear of detection and deportation, many undocumented students trying to obtain a college education are entering the civic sphere because they regard their own future and that of their families as intertwined with their civic activity.

Indeed, in almost every state in the union and in almost every college and university in the country, public and private, there are now students who are struggling to obtain their degrees, even though they are unauthorized to be legally in the United States. These students are in your colleges, in your applicant pools, and in your civic engagement classes and programs. Research shows that as they struggle to obtain their education, they are among the most active in civic engagement work as volunteers, peer counselors, and political activists because of their strong desire to change their condition and make a difference in US political culture.<sup>7</sup> The “Dream Act” has come to represent the desire of these students for full inclusion in higher education, its supporters noting that most of these students spent their entire education in US schools and did not realize that they were undocumented until they began to apply for colleges and jobs while in high school. When interviewed, many said that it was only then that they first realized that a valid social security number was needed to participate in the broad “civic culture.” Many were discouraged and gave up. But many of those who recovered from that shock have become some of the most publicly active students on various campuses.

These students exemplify the desire for belonging to a community and to a nation, which is key for the journey to full cultural citizenship. Beyond simply combatting marginality, these “Dreamers” know that they must prove that they are Americans through public acts that contribute to society. Their civic engagement is about securing their own future in US society by transforming the world around them. As Luis Plascencia has argued, citizenship is fundamentally Janus-faced and “simultaneously fosters exclusion and inclusion.”<sup>8</sup>

Whether it is through collective acts of protest—like participating in marches across the country to object to legislation that would criminalize their existence in the US, or simple daily acts of improving the status of the poor communities around them and their fellow students—the “Dreamers” exemplify civic engagement and the struggle for civil rights for our era of globalization and border crossing.

Yet, the existing community of civic engagement practitioners barely recognizes the power and potential of this message. We believe that it is through active listening to the dreams and desires of these young people, and to their rationale for participating in the most active forms of civic engagement, that those of us committed to expanding the future of civic education and democracy in the United States may find a new way forward. If it is our mission to fulfill the full meaning of citizenship as belonging to a society committed to equality, then there is currently no better example of the struggle for civil rights than the struggle for the inclusion of these “Dreamers” as full members of American society

through higher education. If we are to embrace a twenty-first-century interpretation of civil rights in a globalized society recognizing major demographic and immigrant realities, then we need to listen to these students amongst us and to recognize their version of civic engagement and the meanings they ascribe to US citizenship and democracy.

#### (RE)DEFINING CIVIL RIGHTS AND CIVIC ACTION

What exactly does civic engagement mean when discussing undocumented students? When these students fight for rights, what is its impact; and does it affect the actor? What are the strengths of linking civic engagement to civic action, and how might these strengths be reinforced, amplified, and translated for other students in the context of higher education? We might start to answer some of these questions by considering how and why undocumented students make the decision to “go public” with their status and their civic participation.

Students make the decision to go public for various reasons. Taken together, their voices articulate a “logic of civic possibility” in which the value of democratic engagement is measured not only by social and economic mobility, but also by the collective advancement of social justice and human rights and the ability to participate in the determination of their own futures and the well-being of their communities. These students are often forced to live in the shadows of civic life. The logic of civic possibility is both a process and a practice of defining one’s own connection to collective claims for rights, empowerment, and even cultural and political citizenship. One of the most remarkable aspects of this optimistic perspective is the fact that it emanates from the extreme circumstances and intense struggles experienced by undocumented students.

The struggle for daily living is profound for these students. Vulnerability mixes inextricably with anxiety and the fear of deportation. Some students have likened this condition of elevated anxiety to post-traumatic stress disorder. Common experiences include high levels of unemployment or under-the-table employment, crowded and compulsory intergenerational living arrangements, and a hyperawareness of limited mobility. Within this context, nowhere does hope seem more elusive than in the transition from high school to college, where students who are sometimes finding out for the first time about their undocumented status realize their high achievements have been but pipe dreams of a future that will not—and *cannot*—exist.

In the midst of what many of us would call great despair, student activists see a flicker of light. “There is too much at stake for me not to fight for my rights and my citizenship. I mean, I *had* a future, I *dared* to dream! And now I am told I have to set those dreams aside? No way!” Claudia, a high school valedictorian from the Inland Empire in California, explains her motivation for civic action. “In a sense, I have already started at a deficit. There is nowhere to go but up. I can almost see the light at the end of the tunnel.”<sup>9</sup> She laughs hopefully. In Claudia’s case, the absence of opportunity is the most imminent and oppressive threat to her life as she graduates from high school. Such optimism provides an important window into how agency is enacted relative to significant structural constraints and repression. Students are driven by very personal impressions of civic possibilities and experiences of the rights refused

them. In Claudia's case, she is motivated by her belief in the inalienable right to pursue happiness in a future of her own choosing.

Norma, a community college student from New Jersey, is also concerned about her future, but she takes action because of a deeply felt emotional connection to her family's sacrifices:

Sometimes tears well up in my own eyes when I think about how my parents came here so that I could—we all could—have a better life and I could have a good education. I will fight to realize their generosity. My emotion is not bad, it's a reminder of how painful this is... this lack of opportunity and future if you have fought your whole life to be here in the first place. My emotions serve a very... a very useful purpose in my political work. It reminds me of its importance and its potential impact.

Norma's political engagement is motivated primarily by a desire to realize the goal for which her family has sacrificed so much. To many undocumented students, the civic imagination is an affective social dynamic. The complex relationship among families, imagination, and the affective pull of goals and dreams for the future all influence students' motivation to take civic action. There is a bodily and sensory dimension to this kind of civic work. Civic identity and collectivity is deeply *felt* and experienced. Central to this kind of motivation is a belief in possibilities and the ability to imagine a different future and a more equal world—what one student referred to as democratic logic, or what we call the “logic of civic possibility.”

What would I tell someone in my position as an undocumented college student? I know it sounds stupid, but I would tell them to continue dreaming, to continue believing, and to find friends and advocates in the struggle. Because they are not alone, and the longer we live in the shadows, the longer we will remain repressed noncitizens. We have to speak up. We can't be afraid anymore. We have to believe in political possibilities. That's why we are here, because we can fight for what we believe in. So, yeah, I guess I would tell them to believe in collective democracy. There is a history and a logic to support that fact—the fact that democracies have the possibility to change.

The above quote, from Juan Carlos, an undocumented student leader in Arizona, shows that the civic is not a set of duties; rather it is what enables, through making sense of, the practices of a democratic society. In other words, the civic can also be understood as a necessary navigational means—a guide to action not completely restricted by reality but full of possibility. The key here is that by forming specific possibilities for the social world, students also construct its meaning. This is a crucial point when speaking about undocumented communities making their place in the world.

We would like to advance this notion of the “logic of civic possibility” as a way of understanding how undocumented students have organized their values, beliefs about their rights, and political engagement based on their sense that democracy and cultural belonging might offer them a way to gain formal status as citizens. This logic of civic possibility creates new understandings of rights and citizenship that are also bound up in notions of civic *responsibility*. Drawing on their distinctive and interrelated experiences, these students struggle to

reshape civil society in more egalitarian, democratic, and creative ways. To roughly paraphrase bell hooks, these students frame marginality as a site of resistance and empowerment. The logic of civic possibilities captures this nexus, as it describes the cultural dynamics through which undocumented communities construct claims, affirm their understanding of rights and entitlements, and act to transform their positions in relation to margins and mainstreams.

#### BALANCING ACT: MENTORING UNDOCUMENTED STUDENTS

One of the ways in which marginalized students are able to access mainstream networks is through mentors and advocates. Undocumented students frequently speak about the importance of role models, mentors, and advocates at various levels. Mentoring relationships, formal and informal, create conditions for success in school at all levels by helping integrate students into the fabric of institutions, cultivating essential professional and social networks, aiding students in acquiring core competencies, and assisting in transitions between levels of education. But how does a mentor and advocate work within the legal limitations and political restrictions these students must navigate? Andrea, a student from upstate New York, summarizes some of the tensions that arise between mentor and mentee:

My mentor saved my life. Really. He has helped me meet people, get to know the system. We really know our options. Unfortunately, he really can't do much. He was actually telling me I should go into nursing but I don't want to be a nurse. I guess there is this program collaborating with my community college that will let me get my bachelor's for nursing in four years. So I can afford it, and it's hard, it's in high demand. I know he cares about what I want, but he was just throwing it out at me—like throwing me a bone: “Just become a nurse. Don't worry about it.” For him to tell me that, I was like, “No. That's not what I want to do.” No, I'm not going to take that option. I don't want to be a nurse. I want to be a political scientist—like international relations. But there's no affordable BA option for that.

Mentors cannot change laws, but they can offer support in various ways. Most important for the mentors of undocumented students is the strength it takes to walk a tightrope of navigating the constraints of US politics and institutional policies—many times finding workarounds like the nursing program mentioned in Andrea's story—while not killing a student's dream for and belief in the future.

This balancing act extends to the structural inequality found in our own institutions of higher education. Mentoring typically socializes individuals into a preexisting structure that undocumented activists may be challenging, critiquing, and attempting to change. While these undocumented students are working to transform unequal systems, mentors still must prepare them to work and succeed in settings that are generally maintained by an inevitable degree of inequality. Given this paradox, the career, psychological, social, and role modeling functions in advising undocumented students may require a more complex mentoring relationship that involves elements of a humanities framework, including: (1) the social construction of race and citizenship as a central concept; (2) a commitment to equality, social change, and civic participation; (3) the importance of lives and experiences; and (4) a willingness to question the ideology of citizenship. The mentors of undocumented

students must be advocates working within and around financial and legal limitations, while simultaneously finding theoretical and concrete ways to change students' opportunities. This is a tall order by any means, but student responses in our interviews indicate that many mentors are doing all of this and more.

#### SOCIAL MEDIA AND THE FUTURE OF CIVIC ENGAGEMENT

The voices and participation of undocumented students may lead to challenges of traditional notions of engagement that would redefine “civic” participation. As Luis, a student from Los Angeles, explains, the safe spaces provided by social media enable undocumented students to “go public.” “We plan all our meetings and recruit members through our website,” he said. “You can find out about our mission, our tactics, our goals and stuff. It’s easier than telling people you are undocumented. We find supporters and allies through the site and so we kind of start from a common understanding that we support each other. It’s safer that way.” Maritza, a student from Atlanta, agrees. “I met my mentor at a leadership conference held by my community college,” she said. “At first, I was shy. I wasn’t used to sharing my story, especially with strangers, so I didn’t say much. But he heard about my story through the network and found me on Facebook. Thank God for Facebook!”

*The voices and participation of undocumented students may lead to challenges of traditional notions of engagement that would redefine “civic” participation*

Undocumented students in higher education often encounter hostile or alienating campus climates. Most also come from historically marginalized communities with limited access to higher education, and they encounter various forms of discrimination on and off campuses. Social media serve as safe and supportive spaces for undocumented student activists who risk discovery, while also providing platforms for education about resources, engagement tactics, and skills to fight for social justice and civil rights. In particular, undocumented students use social media to create a friendly environment that does not exist in many other spaces that they occupy. Additionally, by building solidarity among communities and connecting students with mentors and advocates who can provide the support and resources needed to navigate through the university and society, Facebook, Twitter, YouTube, Skype, blogs, and organizational websites can contribute to the retention of undocumented students in higher education.

Social media can be used to create opportunities for undocumented student action, and similar strategies can be used to engage other students as well. Undocumented scholars have embraced social media to reach, organize, and mobilize advocates and supporters, and to influence federal legislation. They understand the power of online spaces and are able to engage other social media users where they already spend their time—online. Smartphones make it even easier to connect with social media networks, and undocumented students are discovering ways these networks can be leveraged to build a foundation for experiencing and defending the linkage to civic engagement and activism. Perhaps it is time for professors, likewise, to embrace platforms like Twitter, Facebook, Instagram,

and Pinterest if they want to connect with, educate, and encourage students' civic participation in the twenty-first century. The key is turning online interaction into offline action. As undocumented students have shown, for social media to have real relevance in the civic arena, their use must lead to concrete offline effects. And the first step is instilling a logic of civic possibility in all our students.

Practitioners of civic engagement in the United States still tend to think of their own students as possessing privilege that they can leverage to help communities “out there” that need assistance and encouragement. They often presume that all of those involved in civic engagement—both those in the community and those from higher education—can meet on the equal plane of civic belonging and political citizenship. Listening to the voices and the experiences of undocumented students reveals the fallacies of many of these assumptions. Their lives expose the risks of linking civic engagement to actions of protest to inequality and legal prohibitions that, at times, extend to both student and community member alike—making assumption of privilege illusory.

The battle to be included in the “civic culture” in the United States, especially via access to higher education, raises a new logic of civic possibility for the engagement community. We all can look for opportunities to involve students in engagement activities—or to support them in their own political and civic action. With opportunities we must also provide spaces, both physical and virtual, where legal status is not a prerequisite and where participation pushes for full consideration of these “Dreamers” as Americans—as students who should have the full civil rights needed to contribute to and shape our democracy. If we are serious about wanting civic engagement to renew US democracy, then there are no better exemplars of this direction than these students whose very existence in our projects stretch and redefine our notions of active citizenship and belonging to our American community.

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#### NOTES

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6. Perez, *Americans by Heart*, 6–7.
7. For an overview of this research, see Perez, *Americans by Heart*, 68–85.
8. Luis F. B. Plascencia, *Disenchanted Citizenship: Mexican Migrants and the Boundaries of Belonging* (New Brunswick, NJ: Rutgers University Press, 2012), 7.
9. All quotations from undocumented students included in this chapter are taken from interviews conducted in 2011 by Margaret Salazar-Porzio.
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# Individual Liberty and Civic Practices: Citizen, Consumer, Combatant

*Elisabeth Lasch-Quinn*

ON DECEMBER 14, 2012, at 9:35 a.m., just five minutes after the front door of an elementary school in the village of Sandy Hook in Newtown, Connecticut, was locked according to formal security procedure, a deranged twenty-year-old man shot his way into the building and went on a shooting spree, using a high-powered rifle to attack vulnerable human beings. Twenty young children and six adults were deprived of their lives, and numerous others were wounded and traumatized—including the survivors and loved ones of those killed.

Reacting in shock and horror, many Americans—including President Barack Obama—immediately cried out against the ready availability of deadly weapons in the United States. Gun control had already been an issue in national politics, and this crisis seemed to bear out the worst fears of gun control advocates. After all, the deadly mass shooting—or “rampage shooting”—in Connecticut was not an isolated incident. Sadly, Sandy Hook must now take its place on an expanding list of such tragedies that includes, among numerous others, the killings at Columbine High School, on the campus of Virginia Tech, and at a movie theatre in Aurora, Colorado.

My own view is that we should do everything in our power to remove assault weapons from streets and homes, beginning with a buy-back plan like Australia’s, which led to a drastic drop in gun-related deaths practically overnight. If we are serious about trying our best to prevent the loss of other innocent lives, there is no other reasonable conclusion: we must simply say no to the ownership of assault weapons outside the context of war. We are not combatants, but fellow citizens.

While I do believe it is vital to make swift work on gun control—strictly enforcing all current laws and guidelines and enacting new, more rigorous ones—I am concerned about how quickly the nation’s attention moved from the tragedy to the single, already politicized (and overly polarized) issue of our gun laws. As we attempt to make sense of these horrors, and make key decisions moving forward, we must take a long, hard look not only at our laws and policies regarding one aspect of the shootings—the firearms involved—but also at the precise character of the larger culture and society in which these incidents are taking place. While hardly the cause of such incidents, the way we think about



freedom, civil society, and place might help us to understand their costs fully. In part, I am evoking these tragedies in order to encourage a new literalism in civil society discussions, which often tend toward generalities such as the loss of a sense of community or place. This discussion seeks to emphasize why these things matter so much.

At the heart of the national conversation about the shootings, especially as funneled into the terms of the gun control debate, is the concept of freedom. After all, few today would contest the assertion that Americans value freedom; the word “liberty” resounds in all the iconic texts of what Robert Bellah called our “civil religion.”<sup>1</sup> We read it in the Declaration of Independence, recite it in the Pledge of Allegiance, and sing it in the National Anthem. From where I sit as I write this, I see the modernist campus building housing Syracuse University’s Newhouse School of Public Communications: etched in six-foot-high letters on its impressive, curving, multistory glass walls are the words of the First Amendment.

But what exactly do we mean by freedom?

In the last three decades, a new school of thought has emerged among scholars and social critics in many fields around just this question. Very different thinkers and observers have reached similarly dark conclusions about American culture and politics on the grounds that the culture faces a crisis from within, and neither of the dominant political views of the late twentieth century—free-market liberalism and welfare-state liberalism—offers hope for democracy and its citizens. Their approach has loosely coalesced into a new communitarian sensibility, which countered the post-1960s thrust toward deregulation and unrestrained capitalism, on the one hand, and personal liberation and individual entitlement, on the other—both of which have buttressed a rights-centered liberalism that came at the cost of community and the greater public good. Scholars and social critics such as Alasdair MacIntyre, Mary Ann Glendon, Amitai Etzioni, Michael Walzer, and Jean Bethke Elshtain, to name only a few, sounded a common chord in their call for renewed attention to the obligations of citizenship as necessary concomitants to the enjoyment of rights and privileges by what Michael Sandel calls the “unencumbered individual.”<sup>2</sup>

In *The Communitarian Persuasion*, Philip Selznick captured this new critique of current concepts of freedom as a quest for a kind of “ordered liberty,” rather than an uninhibited liberation based on the unapologetic assertion of self-interest:

Above all, freedom as an ideal cannot be equated with doing as we please in undisciplined or unregulated ways. Someone obsessed by fantasy, indifferent to responsibilities, easily swayed by the opinions of others, unable to connect means and ends is hardly an autonomous person. Genuine autonomy requires government of the self. We cannot do without the bare bones of liberty, but they need sinews of discipline and social support. Freedom and noninterference—even freedom from domination—is an impoverished ideal, which needs to be enriched by a more complex conception of what liberty is for, what conditions it needs, and how it contributes to the common good.<sup>3</sup>

Like many other communitarians, Selznick sees possibilities for a notion of freedom more befitting democratic self-government in traditions of classical republicanism, from antiquity through the American founding. As a counterweight to



freedom from restraint, the republican notion of civic virtue recasts freedom as the capacity for participation in self-government. In Selznick's words, "Civic republicans believe that freedom is a gift of civic life, to be realized in and through self-government. Liberty is not the pursuit of private interests by detached and self-made individuals. Rather the core idea is self-government, which calls for action by citizens, in public, together with others, to promote *res publica*, 'the public good.'"<sup>4</sup>

Also like other communitarian thinkers, Selznick is well aware of the potential abuses of a view of freedom that moves beyond the absence of restraint or coercion of individuals to promotion of the collective good (or more frighteningly, in Rousseau's conception, the "general will"). While "[t]his is not a fanciful concern," he writes, "...[i]t should not deter us from seeking better ways of being human, better ways of being free."<sup>5</sup>

Ralph Ketcham reminds us that the ancient Athenian notion of liberty, which has been so influential on the Western tradition of political thought, had in mind freedom from enslavement and all that it entailed for the individual, whose flourishing was assumed to be correlated with the capacity to participate as a full member of the polity. "For the Greeks," Ketcham explains, "man could achieve his *telos*, or purpose, develop his highest nature, only as an active member of a body politic that was itself in active quest of the good life for the whole community." The ideas of Aristotle, Pericles, and others provide support for Ketcham's call for a renewed commitment to the public good in our own very different times, when the notion of the *polis*, "rich in its connotations of community, of active membership, and of the *public* good," is but a faded memory. Yet Ketcham is quick to add that the Greek conception of politics was "encompassing and all-absorbing," leaving little room for any "escape from politics." In this view, "protection of personal privileges as emphasized in a bill of rights" no less than politics as a "pursuit of selfish ambitions" were "simply unconceived": "Indeed, the granting of liberty to enable active participation in public life was virtually the *only* grounds for cultivating the ideal of the freeman in Greek thought of the era of Plato and Aristotle."<sup>6</sup>

In large part from the Judeo-Christian tradition, with its emphasis on the integrity and primacy of inner spiritual experience, we have also inherited a sense of the sacredness of the individual that can translate at times into an elevation of the private over the public, as conceived of in modern political terms, though not in terms of community. Ketcham's compelling view acknowledges the inherent tension between individualism and a more collective social ideal, while suggesting that democratic life requires both. In modern America, the attack is two pronged: the voracious pursuit of self-interest threatens public life at the same time as it distorts individualism and individuality themselves

*In modern America, the attack is two pronged: the voracious pursuit of self-interest threatens public life at the same time as it distorts individualism and individuality themselves by removing their connection to any larger purpose beyond self-aggrandizement*

by removing their connection to any larger purpose beyond self-aggrandizement. And turning to our private and spiritual, not just political, yearnings reveals another dimension of freedom: the chance to become fully realized as a human being in communion with others.

This perspective on freedom can remind us of our obligations to others not at the expense of the individual, but rather as a way of exercising *and enjoying* individual freedom—the freedom to participate in a meaningful community life. In doing so, one of the most constant themes, and one that cuts across political battle lines, is the need for a reinvigorated civil society. Institutions from churches to voluntary associations have long been understood to be a vital precondition for democracy. Alexis de Tocqueville most famously drew attention to the connection between Americans’ associational activity in his *Democracy in America*, published in 1835 and 1840; many others since have similarly noted the importance to democracy of a sphere of activity neither entirely public nor entirely private. Yet, in the past generation, communitarian thinkers and many others have described what appears to be a disturbing erosion of civic engagement, institutions, and practices.

While freedom as an absence of restraint or atomistic personal liberation does not have to be rooted in a given place, freedom as self-fulfillment in community generally does.<sup>7</sup> When Robert Putnam elaborated the reasons for the decline of community in *Bowling Alone*, he found television viewing emerged as a central contributing factor precisely because it encouraged physical separation rather than sociability through in-person activities, including entertainments.<sup>8</sup>

By definition, all physical violence has a physical location. A *Mother Jones* timeline of the sixty-two mass shootings that occurred between 1982 and the present shows that the locations involved schools, workplaces, restaurants, malls, movie theaters, and other such places. The locations for this violence tend to be not wholly private, like our homes, nor as public as we might consider the streets of a major city. These are the places where we come into contact with our fellow citizens. The locations of the mass shootings might, therefore, be best understood as the institutions in which civil society arises and is nurtured, where people have congregated for a particular collective purpose. In essence, these crimes, while first and foremost crimes against individuals, and against families and communities, are also *crimes against places*. They violate the integrity of those places, their purposes and rules, as well as our very sense of place. They have an impact on the meanings invested in the places in which we live our lives.

The importance of place has come to the fore in recent decades as a number of writers from many walks of life have raised serious concerns about today’s dominant approaches to our physical surroundings. In his essay “The Sense of Place,” novelist Wallace Stegner quotes a Wendell Berry line widely cited in contemporary movements coming together under the rubric of “sustainability”: “If you don’t know where you are, you don’t know *who* you are.” Stegner contrasts the “placed” person, as Berry calls himself, with “the opposite, the displaced person”: “Adventurous, restless, seeking, asocial or antisocial, the displaced American persists by the million long after the frontier has vanished. He exists to some extent in all of us, the inevitable by-product of our history:

the New World transient. . . . Acquainted with many places, he is rooted in none. Culturally he is a discarder or transplanter, not a builder or conserver. He even seems to like and value his rootlessness.”<sup>9</sup> In turn, in his 2012 talk to the National Endowment for the Humanities, Berry borrowed terms from Stegner, calling him “my teacher”:

[Stegner] thought rightly that we Americans, by inclination at least, have been divided into two kinds: ‘boomers’ and ‘stickers.’ Boomers, he said, are ‘those who pillage and run,’ who want ‘to make a killing and end up on Easy Street,’ whereas stickers are ‘those who settle, and love the life they have made and the place they have made it in.’ . . . The boomer is motivated by greed, the desire for money, property, and therefore power. . . . Stickers on the contrary are motivated by affection, by such love for a place and its life that they want to preserve it and remain in it.<sup>10</sup>

In an article in the *American Educational Research Journal*, David Gruenewald notes that the theme of place is emphasized anew in many academic fields (architecture, ecology, geography, anthropology, philosophy, sociology, literary theory, psychology, cultural studies) as well as movements or schools of thought such as phenomenology, critical geography, bioregionalism, and eco-feminism. In this heightened interest and awareness, he sees possibilities for a multidisciplinary perspective towards a “place-conscious education.” Drawing on authors in these fields as well as poets, theologians, naturalists, and others, Gruenewald calls attention to “the profoundly pedagogical nature of human experience with places”: “That is, as centers of experience, places *teach* us about how the world works and how our lives fit into the spaces we occupy.” He is drawn to the work of those in numerous traditions who wish to “re-sanctify” the “person-place relationship,” which is torn asunder by the voracious methods of so much of modern capitalism, with its overriding goal of exploitation. To fail to consider the places around us such as “the bank, the landfill, the strip mall, the gated community, and the new car lot” as products of original and on-going human decision-making is to become “complicit in the political processes, however problematic, that stewarded these places into being and that continue to legitimate them.”<sup>11</sup>

Turning to the contemporary American landscape, one of the most evident developments has been the increasing incursion in the late twentieth and early twenty-first centuries of global capitalism, including into places in the United States formerly deemed public. The gated community, as social critics and scholars of place have shown, exemplifies the privatization of space, just as do pop-up ads on the computer screen, huge-scale advertisements on everything from buses to sports arenas, fast-food offerings in school cafeterias, and the list goes on—and on. Worries about advanced marketing’s tendency to expand and fill every possible place and space surface in Habermas’s well-known notion of the “colonization of the lifeworld” and Frederic Jameson’s “cultural logic of late capitalism.”<sup>12</sup>

In an article entitled, “The Office of a Citizen,” Joseph Tussman uses a spatial metaphor to illustrate how we might conceive of our role as citizens. Writing in 1968, Tussman argues that any clarity about what we mean by democracy

and “the place of the individual in it” required an awareness of two distinct realms that brought distinct behaviors with them. These “two different sets of ideas and activities” are best captured by the concepts of the marketplace and the forum.<sup>13</sup> Tussman was willing to allow that self-interest, competition, bargaining, and compromise had a place in market transactions where buyer and seller alike aimed to make a deal. But for democracy to work, since self-government cast citizens in the dual role of rulers and subjects, self-interest had to be cast off upon entry into the forum, where citizens needed to appeal to one another on the basis of reasonableness toward the common good.<sup>14</sup>

The places in which civic life occurs cannot usually be considered so neatly as extensions of the forum. Ray Oldenburg pointed to locations such as diners,

*If citizens are to enjoy freedom in this country, in the rich sense of the freedom to participate with others and to enjoy community and communion, we need a recovery of the civic role and public meanings of the places in which we lead our lives together*

bars, and barbershops as among those “third places” where people come into contact with one another.<sup>15</sup> Christopher Lasch added that these places were crucial for democracy, because they were where people encountered other people of different backgrounds and opinions.<sup>16</sup> Thus, that many of these places are, by definition, commercial does not mean they have no civic function. In fact, I would like to argue that one of the most important ways we can apply the awareness of place and restore a proper person-place relation is by retrieving such places as public.

As the case of the mass shootings makes all too clear, a life-threatening crisis renders it immediately apparent that a place that might have been consid-

ered private is additionally a public concern. The Aurora movie theatre, for example, went from being a private business establishment to a place where we lost members of the public. It thus became a public space, but only after lives were lost.

If citizens are to enjoy freedom in this country, in the rich sense of the freedom to participate with others and to enjoy community and communion, we need a recovery of the civic role and public meanings of the places in which we lead our lives together. Public places might be best considered for certain purposes to be any spaces where the public is to be found gathering beyond the bounds of private homes and private sociability.

A reconsideration of places like shopping malls, restaurants, schools, and workplaces as public or civic places would place their security in the realm of public safety. This would have ramifications for specific policies as well as for the broader question of how we think about who we are. In the case of the shootings, what if all such places were to be accorded the same attention we give to making sure banks are safe? If we are serious about preventing more needless deaths after removing assault weapons from streets and homes, we should immediately place public security personnel in malls and department stores, security cameras in the parking lots of all schools and malls, and add more police officers to patrol not only the streets but also the interiors of buildings. Further, the hiring practices of businesses should come under public scrutiny, and regulations

should be put in place to require movie theatres, stores, restaurants, and the like to hire more workers, in general, and to hire experienced workers on full-time wages and benefits rather than to continue to encourage an overly mobile, part-time workforce. An experienced workforce would know the lay of the land, so to speak.

Gruenewald calls for “a place-conscious education” that considers both that what we teach in school teaches us about place and that place teaches us.<sup>17</sup> Taking this logic further, if we agree that our physical reality does have an impact on our psyche, then we should take more seriously the concerns raised by media critics, parents, and others about the potential harm of the messages coming from the violence we see in the media. President Obama’s moving and compassionate response to the Sandy Hook shooting included concern about what many are calling a “culture of violence” in the United States. His senior campaign advisor, David Axelrod, referring to the violence in video games, said on Twitter, “All for curbing weapons of war. But shouldn’t we also quit marketing murder as a game?”<sup>18</sup> Senator Joseph Lieberman, a longtime opponent of violence in the media, seeks to establish a national Commission on Mass Violence to study the shootings. Even West Virginia Senator Joseph Manchin and Ohio Governor John R. Kasich, both supporters of gun rights, have expressed concerns about the glorification of violence, as did the National Rifle Association in a public statement following the shooting. Kasich questioned “the glorification of violence that can desensitize us to the sanctity and majesty of life.”<sup>19</sup>

Efforts to bring about change falter on the question of causation. But even if quantifiable data do not show a direct causal relation between on-screen violence, other concerns, such as copy-cat violence and desensitization to violence, are equally valid. There was an implicit acknowledgment that violent imagery is a public issue when, in the immediate aftermath of Sandy Hook, Paramount postponed its premier from the film *Jack Reacher*, eliminating many violent scenes from its advertisements, and the Weinstein Company cancelled the premiere of *Django Unchained*. Similarly, after the Aurora shooting, parts of the mob movie *Gangster Squad* were reshot, because the first ending depicted a shooting taking place in a movie theatre. Songs with disturbing lyrics might be played less on the radio, and violent content disclaimers might be run before violent television shows, but only briefly in the aftermath of tragedies such as Newtown.

Journalist Jim Sleeper believes we need to take immediate action against the omnipresence of “gladiatorial, sadistic, pointless” violence in what he tellingly calls “our *public* entertainments”: “We need to undertake collective withdrawal from a national addiction to this vicious entertainment and gun violence like the withdrawal we’ve undertaken from cigarettes.” Former New Jersey Senator Bill Bradley, Sleeper said, urged “open civic rebellion” against those profiting from violence in entertainment. In a speech at the National Press Club, Bradley faulted the entertainment industry for harming civil society by flouting “the all-important role of storytelling which is essential to the formation of moral education that sustains a civil society.”<sup>20</sup>

We need to broaden our sense of “civic” or “public” in order to embrace much more of our common world, and we need also to keep alive a definition

of freedom as the ability to be fully and meaningfully connected to others in our everyday lives as full participants.

If all we can do in the face of tragedy is to mourn, then we are still doing something—meditating with grief about what and who we have lost. But perhaps we can do more. Out of suffering comes our wish that things had been different; this is arguably the only basis for hope, as we extend our imaginations into the future on behalf of those whose lives we want to save in advance through acts of a humble civic heroism that is accessible to everyone: through our everyday words and actions, we can try to make and remake the places we inhabit, edging them ever so slightly closer to our ideals.

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#### NOTES

1. Robert Bellah, "Civil Religion in America," *Dædalus* 96, no. 1 (1967), 1–21.
2. Michael J. Sandel, "The Procedural Republic and the Unencumbered Self," *Political Theory* 12, no. 1 (1984), 81–96.
3. Philip Selznick, *The Communitarian Persuasion* (Washington, DC: Woodrow Wilson Center Press, 2002), 133.
4. Selznick, *The Communitarian Persuasion*, 129. In some ways, the distinction is parallel to that stressed by Isaiah Berlin (as Kant did) between a negative freedom based on absence of restraint on one's actions (freedom from) and a positive freedom, or self-determination (freedom to), though this dichotomy does not always work. See Isaiah Berlin, "Two Concepts of Liberty," in *Liberty* (Oxford, UK: Clarendon Press, 1958), 166–217.
5. Selznick, *The Communitarian Persuasion*, 132–3.
6. Ralph Ketcham, *Individualism and Public Life: A Modern Dilemma*. (New York: Basil Wiley-Blackwell, 1987), 35–6. While references to such rich conceptions of civic responsibility are compelling today, Ketcham asserts that worries about the totalitarian and "anti-individual" possibilities are well-founded: "How can a person find outlet for restless impulses, for creative idiosyncrasies, for private meditation, and for all the other uniquenesses in (modern conceptions of) human nature when the public demands so much energy and attention? And what scope is left for free, voluntary, pluralistic organizations and stimulating diversities when the *polis* (the word 'state' is inadequate) is thought of as so encompassing?"
7. The jury is still out on whether online association is as meaningful a form of community as that arising in face-to-face interaction.
8. Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).
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13. Joseph Tussman, "The Office of the Citizen," in *School, Society, and the Professional Education*, eds. Frank H. Blackington, III, and Robert S. Patterson (New York: Holt, Rinehart and Winston, 1968), 290.
14. Tussman, "The Office of the Citizen," 290–7.
15. See Ray Oldenburg, *The Great Good Place: Cafes, Coffee Shops, Community Centers, Beauty Parlors, General Stores, Bars, Hangouts and How They Get You through the Day* (St. Paul, MN: Paragon House, 1989).

16. See Christopher Lasch, *The Revolt of the Elites and the Betrayal of Democracy* (New York: W. W. Norton, 1995), 117–28.
17. Gruenewald, “Foundations of Place”, 646.
18. David Axlerod’s Twitter feed, December 16, 2012, <https://twitter.com/davidaxlerod/status/280552289360560128>.
19. Aaron Marshall, “Kasich Intends to Sign Gun Bill, Rejecting Call for a Veto in Wake of Connecticut Shootings,” *Cleveland.com*, December 17, 2012, [http://www.cleveland.com/open/index.ssf/2012/12/kasich\\_intends\\_to\\_sign\\_gun\\_bil.html#incart\\_river](http://www.cleveland.com/open/index.ssf/2012/12/kasich_intends_to_sign_gun_bil.html#incart_river).
20. Jim Sleeper, “What We Should Tell the Gun Lobby and Producers/Editors,” *Huffington Post*, December 21, 2012, [http://www.huffingtonpost.com/jim-sleeper/what-somebody-should-tell\\_b\\_2346873.html](http://www.huffingtonpost.com/jim-sleeper/what-somebody-should-tell_b_2346873.html) (emphasis mine).





## *A Global Civics?*

*Hakan Altınay*

WHEN WE EVOKE CIVICS, we very frequently refer to things local and national. In this short essay, I will try to make the case that a global civics is both necessary and feasible. I will also argue that it is imperative for any university experience in the twenty-first century to include some familiarity with a global civics.

Let me start with a relatively uncontroversial observation: our world is becoming increasingly interdependent. We have recently seen how financial engineering in the United States or public finances in Greece can determine economic growth and employment in every part of the world; how carbon dioxide emissions from China can determine crop yields and livelihood in the Maldives, Bangladesh, Vietnam, and beyond; how an epidemic in Vietnam or Mexico can endanger the rhythm of public life in the United States; and how a nuclear leak in Japan can affect the state of public health elsewhere in the world.

We have plenty of commentary on whether this is a good or a bad thing. One narrative is all about why we should rejoice and embrace our increasing interdependence; but many others around the world do not fancy being as helpless leaves at the mercy of winds from afar. Over the last two centuries, democracy and technology have enabled us to gain ever greater mastery over our own destinies, but now it seems that mastery is being eroded by forces originating outside our borders. If one of the primary goals of a university education is to equip its students with the informational and analytical tools needed to exercise greater mastery over their lives, and if the centripetal forces pulling us together are intensifying and the world that awaits our students is going to continue to become increasingly interdependent, then higher education must be a participant in the conversations regarding globalization. We need to provide the forums and the tools that will allow our students to explore how they wish to coexist with others, the responsibilities they have toward billions of others who happen not to be their compatriots, and the corresponding rights they are ready to claim. Our students need to explore these difficult issues in the enabling environments of our campuses so they can write the first drafts of their own global social contracts before they leave college. As it is inconceivable to go through medical training without some exposure to deontology, it should be impossible to complete a four-year university degree without some exposure to a global civics.

I can imagine at least one immediate objection: civics assumes a community and political institutions. In the absence of a world government, it is whimsical, it can be argued, to try to imagine a global civics. Yet, is it really true that legal membership in a political community is the only bond that binds us together? Or can we imagine other non-legal bonds? Is civics not the result of a social contract, even when that contract is tacit?

Robert Putnam, Francis Fukuyama, and other social scientists and theorists have argued that enforceable contracts alone do not give us what we need to survive and prosper. Norms, social capital, trust, predictability, and other less-tangible phenomena are also needed. Fukuyama has demonstrated convincingly that a shared set of norms provides predictability and decreases the costs of doing business—or of being a community.<sup>1</sup> If anything were possible, then even a simple transaction would require all kinds of eventualities and contingencies to be planned and prepared for. If violators and free-riders were numerous, then law enforcement functions would demand prohibitively high resources. Since even the most comprehensive legal document cannot cover all eventualities, some transactions must take place in low-predictability, low-trust settings that depress welfare prospects. If, on the other hand, one can operate in a high-trust, high-predictability environment, then transaction costs become lower and welfare potential can be maximized.

It should be obvious that a community cannot function only through laws; it also needs, and very frequently has, a dynamic fiber of norms and conventions. Kemal Derviş, in his foreword to *Global Civics*, observes this imperative and argues that “[i]f all behavior were to be governed strictly and only by individual self-interest and a cold-blooded calculation of benefits and costs, national communities would be very costly, if not impossible, to govern. A sense of ‘civics’ is part of the cement that holds a community together, that reduces the ‘cost’ of governing, and enables the compromises that ‘deliver’ the public goods.”<sup>2</sup> Others have suggested that a healthy society functions through implicit and not unimportant assurances that all will be accorded due regard and treated as bearers of dignity.

In a similar fashion, the analogy of driving in traffic is helpful for thinking about the mental map and compass we need in navigating an increasingly interdependent world. Each day, many of us drive at speeds above fifty-five miles per hour in a ton of metal extremely close to others who are doing the same thing. A slight move of the steering wheel in the wrong direction would wreak havoc, but we cruise carefree because we drive in implicit fellowship with other drivers and have reasonable expectations of their behavior. Such fellowship with and expectations of other drivers, which serve to mitigate the risks of driving, can exist because people follow a long-established framework of laws, habits, and conventions about how to operate automobiles. If we could not count on other drivers or on the pattern of the roads, we would drive far more cautiously and at dramatically reduced speeds. Even the most fortified Hummer could not make up for the absence of predictability, which our conventions and shared norms make possible.

Cristina Bicchieri describes norms as the grammar of a society.<sup>3</sup> Like the grammar of a language, norms are often as implicit as they are formative. Norms are dynamic, and they are sustained and reproduced by people who act as conditional

cooperators. People uphold norms and cooperate when they expect others to cooperate, and people defect when they observe majorities defecting. In exploring how “cooperation emerge[s] in a world of egoists without central authority,” Robert Axelrod discovered that the strategy of starting out with cooperation and then reciprocating both cooperation and defection has been proven exceptionally successful in several simulated experiments.<sup>4</sup> Others, such as Edward Wilson and Brian Skyrms, have set out to discover the evolutionary advantages of both the golden rule of doing unto others what you would have done unto you and the Kantian categorical imperative have unleashed in favor pro-social behavior.<sup>5</sup>

Yet, no other phenomenon more demonstrates our proclivity toward pro-social behavior and our capacity to uphold fairness in the absence of formal laws than the ultimatum game. In this experiment, which has been repeated in many parts of the world in the last thirty years, two people are given one hundred dollars, and one of them gets to propose a split to the other. The second person has no say in how the money is split, hence the ultimatum. The second person can either accept the split, and they each get their proposed share, or he or she can reject the split, in which case they both receive nothing. The average split is sixty-forty. Furthermore, offers worse than eighty-twenty are routinely rejected by those in the second position, which is interesting and begs for an explanation. Why didn't those in the second position accept even one dollar, as that is better than nothing? It would appear that ours is a species generally composed of actors willing to pay an individual price in order to uphold fairness and the generic ethics of reciprocity. This feature of humanity may not find adequate place in our narratives or popular culture, but it is nevertheless indispensable to running our societies.

In addition to a popular commitment to fairness, there also exists evidence of latent multilateralist proclivities in the global body politic. A 2009 survey by World Public Opinion shows that when given the choice between two positions—(1) “our nation should consistently follow international laws; it is wrong to violate international laws, just as it is wrong to violate laws within a country” and (2) “if our government thinks it is not in our nation's interest, it should not feel obliged to abide by international laws”—the average of national responses from citizens of twenty-four of the world's largest nations that chose compliance with international law was 57 percent, compared to 35 percent that chose national opting out of international laws.<sup>6</sup> It is difficult to overstate the significance of siding with compliance with international law even when one's governments deem it to be against the national interest. The same survey also showed that respondents systematically underestimate the extent to which their own multilateralist preferences are shared by their compatriots, suggesting that they feel solitary in their support for international law. An average of national responses of 48 percent indicated belief that they personally were more supportive of consistently abiding by international law than the average citizen in their country; 28 percent indicated belief that they personally were less supportive.<sup>7</sup>

These survey findings suggest key features of the global civics we need in order to navigate our increasing global interdependence, and they hold clues

about the kind of process we need in order to forge explicit global norms in our interdependent world. The web of centripetal forces pulling us together is intensifying. Our destinies are increasingly a function of what happens in other countries and how people who happen not to be our compatriots choose to act. If we do not have some way to nurture trust, ensure predictability, strengthen the fragile fabric of global norms, and forge a global civics, we will not be able to navigate the treacherous waters of our epic interdependence. Without a global civics, we will fail to harness the advantages of global interdependence and will have no choice but to surrender to widespread anomie and backlash.

To be sure, there is a formidable school of thought that denies that increasing global interdependence is a fact and that it requires us to revisit our conceptions of international relations. Those who accept this view may insist that all power is hard power, and that being loved or respected is no substitute for being feared. The great power game of nations always continues, we are forewarned—even when a higher goal or rhetoric is evoked. Superpowers are selfish, arbitrary, and dangerous nations; they should not be embarrassed to be so, and they should not feel constrained by international legitimacy and laws.<sup>8</sup> Proponents of such views prefer to be unconcerned about phenomenal challenges, such as climate change, or the achievements of transnational normative action, such as abolishing the slave trade or establishing the International Criminal Court. I contend, however, that the zeitgeist seems to be on the side of those who do view transnational normative judgments of actions and emerging global public opinion to be the second superpower.<sup>9</sup> We are fast entering a stage where no society can stay oblivious to the judgments made by other societies. Conscience has sometimes been defined as being conscious of the gaze of others. That gaze is increasingly omnipresent. This time around, the invisible hand is choreographing a *global* peer review.

Still not convinced? Then imagine a technician at Fukushima, Japan confronting a leaking nuclear reactor, or a minister of health in an African country perusing data about a possible AIDS pandemic, or a member of China's new middle class about to make a car purchase. Do we want these people to think that might makes right and that the world is governed by the law of the jungle? Or do we prefer a world where they and many others like them have a sense of global civics?

When Miguel Maduro, Eva-Maria Nag, Kalypso Nicolaidis, and myself throughout 2011 invited students and the younger generation of academics around the world to ponder achievements and impediments of existing global governance schemes, a key consensus emerged and was expressed in a resulting article: global governance schemes are not unrelated to our appetite for cooperation across national borders, and that appetite, in turn, is a function of our comprehension regarding the effects of others' actions on us—and vice versa. A number of participants insisted that comprehension has not caught up with the underlying realities; they seek fresh and inclusive inquiry and deliberation on the extent of our interdependence, as well as the normative and rational responses to that interdependence. They were convinced that we need to shuttle more fluently between the diagnosis of our interdependence and our global governance

scheme that represents our reasoned response to that diagnosis; they called for a global agora, for a global civics.<sup>10</sup>

Samuel Bowles and Herbert Gintis argue that our linguistic skills are key to our ability “to formulate general norms of social conduct, to erect social institutions regulating this conduct, to communicate these rules and what they entail in particular situations, to alert others to their violation, and to organize coalitions to punish the violators.”<sup>11</sup> We learn and reproduce norms by talking about and debating them. It is in this vital sense that I argue that what we need most is a global civics that we can forge and debate, not a global ethics that the chosen and gifted among us decipher or deduce, only to telegraph to us afterward.

Let us assume for a moment that our colleagues in universities around the world are convinced that not to provide their students with the forums and the tools needed to pursue these questions would constitute grave negligence. What would they need to do? Would there be consideration of what a global civics curriculum entails?<sup>12</sup> The basic structure of a global civics course could start by providing some familiarity with the global trends and the phenomenal diversity that exist in the world. It would need to include discussion of different types of centripetal forces—climate change has a different capacity to render borders oblivious than public health or international finance do, and students need a nuanced understanding of these dynamics. The course would need also to include a review of technocratic and normative proposals for managing these different forces. Finally, different thought experiments could help students develop their own choices among the alternatives, and help create the space for them to try their hand in aggregating diverse interests and aspirations.

There are also options that carry students beyond a course or classroom. A remarkable Chinese director, Jian Yi, along with teams in Argentina, Brazil, China, Germany, India, Italy, South Africa, Turkey, and the United States, asked ordinary people how they propose we live in an increasingly interdependent world. Yi’s documentary, which compiles the responses, would stimulate discussion on any campus.<sup>13</sup> In a similar exercise, sixty-five students in fifteen countries have coauthored *Dialogues on Global Civics*, where their mantra is to act by doing no harm. They invite any campus group to consider or add their views to the *Dialogues* text and join the emerging student global crowd sourcing experiment as potential coauthors.<sup>14</sup>

To be sure, no matter how interdependent we become, we will continue to care most about our friends and family and about local and national issues. Yet, this need not mean that the global does not matter to us. Both out of normative concerns and because our enlightened self-interest demands it, we need to start imagining a global civics. We will not find the questions or the answers we need in a Platonic cave. We will need to engage our global peers. When we do, we may be surprised by how thoughtful they are. University campuses are indispensable in engaging their students in framing and understanding the questions and the possible avenues in developing and acting on a global civics. If they do not step up to this challenge, their students will be underprepared for the increasingly interdependent future that awaits them.

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## NOTES

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2. Kemal Derviş, foreword to *Global Civics: Responsibilities and Rights in an Interdependent World*, by Hakan Altınay (Washington, DC: Brookings Institution Press, 2011), ix.
3. Cristina Bicchieri, *The Grammar of Society: The Nature and Dynamics of Social Norms* (New York: Cambridge University Press, 2006).
4. Robert Axelrod, *The Evolution of Cooperation: Revised Edition* (New York: Basic Books, 2006), 3.
5. See Edward Wilson, *The Social Conquest of Earth* (New York: Liveright, 2012); Brian Skyrms, *Evolution of the Social Contract* (New York: Cambridge University Press, 1996).
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11. Samuel Bowles and Herbert Gintis, *A Cooperative Species: Human Reciprocity and Its Evolution* (Princeton, NJ: Princeton University Press, 2011), 5.
12. See Hakan Altınay, *Global Civics: Responsibilities and Rights in an Interdependent World* (Washington, DC: Brookings Institution Press, 2011), chapters 6, 7, and 8.
13. Jian Yi, “Global Civics,” YouTube video, 55:50, posted by “GlobalCivics,” September 26, 2012, <http://www.youtube.com/watch?v=NCYCfubN2IM>.
14. *Dialogues on Global Civics* is available online at [http://www.globalcivics.net/#!\\_dialogues-on-global-civics](http://www.globalcivics.net/#!_dialogues-on-global-civics). This essay draws in part from themes and language developed in *Dialogues*. Those who would like to join the discussion should email [discussion@globalcivic.net](mailto:discussion@globalcivic.net).

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Bringing Theory to Practice (BTtoP) encourages colleges and universities to assert their core purposes as educational institutions not only to advance learning and discovery, but also to advance the potential and well-being of each student as a whole person, and to advance education as a public good that sustains a civic society.

BTtoP supports campus-based initiatives that demonstrate how uses of engaged forms of learning that actively involve students, both within and beyond the classroom, can directly contribute to their cognitive, emotional, and civic development. The work of the project is conducted primarily through sponsored research, conferences, grants to colleges and universities of all types, and publications—notably including *Transforming Undergraduate Education: Theory that Compels and Practices that Succeed*, edited by Donald W. Harward (Lanham, MD: Rowman & Littlefield, 2012.).

BTtoP provides a rare source of intellectual and practical assistance to all institutional constituencies that are seeking to make or strengthen the changes needed to realize their own missions of learning and discovery, and that are working to create campus cultures for learning that recognize the necessary connections among higher learning and students' well-being and civic engagement.

Information about current grant opportunities, project publications, and forthcoming conferences is available online at [www.BTtoP.org](http://www.BTtoP.org).