Guidelines for Government and Citizenship

With this issue of the Public Justice Report, we are pleased to be able to announce the release of the first eight of the Center’s new Guidelines for Government and Citizenship, which you can access at www.cpjustice.org/guidelines.

The Center for Public Justice is grounded in the conviction that a constructive contribution by citizens to American political life depends on a principled understanding of government’s purpose and responsibilities. It is not enough for citizens to want a few good things or to be convinced that law and politics involve important moral considerations. The underlying question is this: What ought to define a political community like that of the republic of the United States of America, and how should government go about fulfilling its responsibility to uphold justice and the general welfare?

The Center takes its point of departure from a Christian view of life, working in the tradition of reformers who have rejected past accommodations of Christianity to imperialism, state absolutism, laissez-faire individualism, and civil religion. The Center stands in what can be called the Christian-democratic tradition, which affirms, on biblical grounds, the importance of constitutionally limited government; an open society; protection of the weak; public-legal protection of certain fundamental rights of citizens and nongovernment organizations, including equal treatment of citizens of all faiths; and the existence of a public commons.

In the American context we stress the high calling of government and the importance of the republic as a political community in its own right and not simply as a means to other ends. Government’s task is not only to protect individual rights and property and to foster economic growth and American security. Yet government should not try to manage the whole of society directly. The Guidelines address the nature of political community, the task of government, the responsibility of citizens, and a number of key policy areas, such as education, welfare, security and defense, and more. Additional Guidelines will be published in the months and years ahead.

It is important to stress at the outset that the Guidelines represent the vision of the Center for Public Justice. The Center does not intend to ask government to try to impose these convictions on every citizen. To the contrary, as the principles themselves make clear, the aim is to foster a more just society in which all citizens enjoy the same right to articulate and promote their political views. One of the principles of the
Center’s by-laws states that “no person or community of persons anywhere ought to be compelled by governmental power to subscribe to this or any other political creed.” We believe is that the republic can only be healthy if its citizens articulate and engage in genuine debate over what the republic ought to be. The Guidelines, which articulate the Center’s view of civic responsibility, are intended to promote civic debate and thereby the development of a healthier republic.

In this regard, we are encouraged by the March 2005 release of a new document by the National Association of Evangelicals (NAE) titled “For the Health of the Nation: An Evangelical Call to Civic Responsibility.” In the brief compass of 26 pages, the pamphlet articulates the basis and method for Christian civic engagement, the structures of public life, and principles of political engagement. Under principles, the statement summarizes evangelical commitment to (1) religious freedom and liberty of conscience, (2) family life and the protection of children, (3) the sanctity of human life, (4) justice and compassion for the poor and vulnerable, (5) the protection of human rights, (6) the pursuit of peace and the restraint of violence, and (7) to the protection and care of God’s creation.

Many evangelical leaders have signed the document “For the Health of the Nation,” and it will serve as a constructive point of departure for the discussion of the Center’s Guidelines.

At the same time that the NAE released its call to civic responsibility, it announced a companion book titled Toward an Evangelical Public Policy (Baker Books) edited by Ronald J. Sider and Diane Knippers. The 380-page book offers a wide range of articles of a historical, biblical, methodological, and policy character. For information about both the book and the NAE document, “For the Health of the Nation,” contact NAE, PO Box 20026, Washington, DC 23269, or go to its web site, www.nae.net.

—The Editors

Our Place in the Grandest Story of All

by James W. Skillen©

Two books have just come out from Baker Academic (Grand Rapids, Michigan) that should be read, discussed, and acted on by Christians everywhere. The first is The Drama of Scripture: Finding Our Place in the Biblical Story (2004), by Craig G. Bartholomew and Michael W. Goheen. The second is Jesus and Politics: Confronting the Powers (2005), by Alan Storkey.

The One True Narrative

Bartholomew and Goheen both teach at Redeemer University College in Ontario. Their aim in the book is to show that the Bible needs to be read as a grand drama, from beginning to end, about God’s kingdom and our place in it. Drawing on the work of teachers such as Lesslie Newbigin and N.T. Wright, they argue “that the Bible offers a story that is the true story of the whole world.”
Therefore, faith in Jesus should be the means through which a Christian seeks to understand all of life and the whole of history. This is not just because the scriptural story is comprehensive, or because it happens to be the story that we have inherited, or because it is the story that works for us. We must take the Christian story seriously in this way because it is true and tells us truthfully the story of the whole of history, beginning with the creation and ending with the new creation.”

People have lots of stories by which they make sense of their lives. There are family stories, vocational stories, national stories, and more. But ultimately one story serves as the basic story, the fundamental story on which the others depend. “The whole point of a basic story or grand narrative is to make sense of life as a whole, and such grand narratives cannot easily be mixed up with each other. Basic stories are in principle normative—they define starting points, ways of seeing what is true—and Wright says: ‘The whole point of Christianity is that it offers a story which is the story of the whole world. It is public truth.’”

The remarkable thing about The Drama of Scripture is that the authors are able in less than 250 pages to draw us into the entire drama of the Bible, from the creation and fall into sin, through God’s call of Abraham and the choosing of Israel for a special role among the nations, on through to the coming of Jesus, his death, resurrection, and ascension, and the mission of the church carried forward, by the power of the Holy Spirit, in expectation of Christ’s second coming. Engaging almost every book of the Bible, Bartholomew and Goheen help us see the dynamic forward movement of the story that has not yet reached its end. The story encompasses us and calls for our conscious, enthusiastic engagement. That engagement cannot be simply in worship and evangelism, only in prayer and fellowship. It must be with all that we are and have as God’s creatures in all of life, including political life.

John’s vision in the last book of the Bible, Revelation, “indeed, in the whole New Testament,” write Bartholomew and Goheen, “does not depict salvation as an escape from earth into a spiritualized heaven where human souls dwell forever. Instead, John is shown (and shows us in turn) that salvation is the restoration of God’s creation on a new earth. In this restored world, the redeemed of God will live in resurrected bodies within a renewed creation, from which sin and its effects have been expunged. This is the kingdom that Christ’s followers have already begun to enjoy in foretaste.”

The kingdom of God, fulfilled in and through Christ, that is the underlying theme of the Bible, according to Bartholomew and Goheen. The hymn of praise to Jesus Christ in the book of Revelation (4:11), where the Lord is celebrated for creating all things, “is set in the very throne room of heaven. This is appropriate because it echoes a truth about God implied from the beginning of the creation account in Genesis. By causing the creation to come into being by his word of power, God establishes it as his own vast kingdom.”

And what about humans? Where do we fit in to all of this? We have been created in God’s image to “serve as his ‘under-kings,’ vice-regents, or stewards. We are to rule over the creation so that God’s reputation is enhanced
within his cosmic kingdom.” In other words, the biblical story is all about God’s kingdom and the responsibility of royal servants to glorify God by doing justice to one another and to the other creatures. The biblical story is political in this sense from start to finish. When Adam and Eve disobeyed God and fell under God’s judgment and mercy, that was not the end of the story. Rather, it was the beginning of the creation’s corruption, including the disintegration of the divine-human relationship. Discord and evil all around us arise from our refusal to participate in the creation drama on God’s terms. But we cannot succeed in our disobedience. God’s kingdom purposes will be upheld and fulfilled through judgment and redemption. That is the story that unfolds through God’s mercy to Noah and his family, through the call of Abraham and Israel, through the monarchy of David, God’s judgment on Israel, and the appearance of the Messiah, Jesus. This is a kingdom story, the story about human governance of the earth (whether in obedience or in failure) and about the ultimate praise and glory of God through Jesus Christ, when every knee will bow before him and every tongue will confess that he is Lord. Jesus, the redeemer, is the one who brings the kingdom home to God, and in the process, brings many redeemed citizens of that kingdom into God’s throne room.

Jesus and the Powers

One of the great things about Alan Storkey’s book, Jesus and Politics, is that without the author knowing it, his 325-pages fill out in greater detail the 41 pages in The Drama of Scripture that are dedicated to the birth, life, death, resurrection, and ascension of Jesus. Storkey, in tune with Bartholomew and Goheen, let’s us see that the life and ministry of Jesus is all about the establishment of God’s kingdom. That is what Jesus came preaching—the kingdom of God. That is why he threatened Roman and Jewish authorities alike. That is why his disciples finally recognized him as the Messiah, the Christ, the one authorized by God to rule. That is why the placard nailed to his cross read “This is Jesus, the King of the Jews.” That is why when God raised him from the dead he told his disciples that all authority in heaven and on earth now belongs to him. That is why when he ascended to his Father his followers saw him ascending to sit on the throne at the right hand of the Father to rule forever.

Any Christian today who wants to understand the Bible and the Christian drama into which God draws us by the power of the Spirit, must read the Bible as the story of God’s kingdom and our place in it. And not our place only, but the place of every government, every nation, every authority on earth. Nothing and no one stands outside this story of judgment and redemption, which is now dramatically unfolding toward the climactic return of the King, the Lord, Jesus the Christ.

What Storkey shows in great detail, however, is how surprising and odd Jesus’ politics were. They are odd and disarming even for us today. He did not come with the kind of power most expected from the Messiah. Jesus refused to take up the sword, laid down his life as the suffering servant, and told his disciples to let the power of God’s Spirit fill them. Yet Jesus was doing and saying these things not in renunciation of politics and power, but in order to fulfill God’s kingdom on God’s terms. The most telling example of this dramatic
contrast, says Storkey, appears in the trial of Jesus before the Jewish Sanhedrin (reported in Matthew 26:57ff.). The leaders are frustrated that they cannot do away with Jesus. The high priest commands him, under oath, to “tell us if you are the Messiah, the Son of God.” Jesus finally speaks: “Yes, it is as you say. But I say to all of you: In the future you will see the Son of Man sitting at the right hand of the Mighty One and coming on the clouds of heaven.”

“We recognize [here] the conjunction of Messiah and Son of Man,” Storkey writes. “They are one and the same—God’s ruler, God’s judge—to whom they will have to give account. We also note the worthy way Jesus rules and proclaims judgment in the face of the unjust judges. The Son of Man stands trial as Messiah, fulfilling its content as no one can conceive, and on no other terms than his own. Caiaphas tears his clothes after Jesus’ response and is incandescent with rage. He has his evidence, and the rest of the Sanhedrin concurs. They hit Jesus with their fists, spit in his face, blindfold him, and say, ‘Prophesy to us, Messiah. Who hit you?’ (26:67-68n). There is no doubt what is at issue.”

Clearly, Jesus offends those who think that they hold highest authority on earth. But he goes beyond offense, says Storkey. “The government of God . . . subverts. . . . It sets up a different way. The gentle rule of God pulls down all kinds of existing powers and structures that glory in themselves. . . . The biggest subversion of all is to dethrone the ruler and politics and put them in their limited place under the sovereignty of God. This change is at the fulcrum of world political history.” And with this new approach of authoritative humility and justice, Jesus comes to establish God’s rule over all, forever.

It is not possible to summarize or convey the full force of Storkey’s book in a few paragraphs any more than it is possible to show how it fits into Bartholomew and Goheen’s presentation of the biblical drama as a whole. Storkey stays close to the Gospels, letting them tell the story, uncovering for us political details that we can’t see any more because we don’t understand the nature of God’s kingdom. Storkey shows us Jesus’ political principles, his statecraft, his role as world ruler, and even his view of taxation. Then he follows the King of the Jews to the cross and on through his resurrection.

Storkey, like Bartholomew and Goheen will not let us read the Bible as a book of ancient curiosities that might hold some historical interest for us. The Bible tells us of the drama that now encompasses us whether we like it or not, whether we want to participate in it or not. And it is, unavoidably, a political drama. Christians have only one honest and obedient choice to make: to pursue Christian politics. Otherwise, they misunderstand who Jesus is and fail to give him rightful honor, praise, and obedience. “Many of us are not even conscious of the music of Christian politics that groups and parties are playing on every continent—peacemaking, providing aid, mending families, healing, empowering, and freeing slaves. Christian politics under the rule of Christ can be an explicit part of public discourse, not privatized and unspoken, not marginal to other commitments, but centrally focused on Jesus. . . . A thoroughgoing Christian political response could be part of the normal Christian life for hundreds of millions of people. Political organizations can explore and
embody Christ’s great principles. Christ’s politics can be made explicit in parties and groups for whom this is their central motive. Indeed, such a commitment cannot easily be subordinate to any other political motive. The title ‘Christian’ in politics claims priority over any other perspective.”

With this, Storkey brings us back to where Bartholomew and Goheen began. We cannot live with more than one basic story as the integrating drama of all subordinate stories in our lives. Christians who try to live the Christian drama as a private or personal story alone or only in “spiritual” things, while depending on other stories for their practices in political and economic life, fail to recognize who Jesus is and the role he plays in completing God’s kingdom purposes. The commitment Christ calls for in all of life, including politics, “cannot easily be subordinate to any other political motive. The title ‘Christian’ in politics claims priority over any other perspective.”

Where have Storkey, Bartholomew and Goheen drawn some of their insights into the Bible? Let me mention just a few of the people who are important to them and who can serve as valuable resources for us. Earlier we mentioned N.T. Wright and Lesslie Newbigin. Goheen wrote his doctoral thesis on Newbigin, whose book *The Gospel in a Pluralist Society* (Eerdmans, 1989) is perhaps his most important. Wright is a voluminous writer, and two of his most important larger works are *Jesus and the Victory of God* (1996) and *The Resurrection and the Son of God* (2003), both published by Fortress Press. Storkey also draws from Wright and many other biblical scholars. The authors of both books also recognize the importance of Oliver O’Donovan’s *The Desire of the Nations: Rediscovering the Roots of Political Theology* (Cambridge University Press, 1996) and Albert Wolters, *Creation Regained: Biblical Basics for a Reformational Worldview* (Eerdmans, 1985). Storkey draws from John Howard Yoder’s *The Politics of Jesus* (Eerdmans, 1994), and all three draw from writers in the Dutch Reformed tradition of Abraham Kuyper, including the work of Herman Dooyeweerd and Bob Goudzwaard.

**What Role Among the Nations?**

*Excerpts from the New Book by James Skillen, ©

*With or Against the World?*


Last December, President Bush pledged in a speech to pursue three international goals in his second term. “The first great commitment is to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action.” In March of this year, the president named John R. Bolton to be the U.S. Ambassador to the United Nations, a surprise to many because of Bolton’s well-known criticis
of multilateral institutions. Bolton once said, for example, “There is no such thing as the Unite Nations. There is an international community that occasionally can be led by the only real power left in the world, and that is the United States when it suits our interest and we can get others to go along” (Washington Post, 3/8/05).

Now it could turn out that Bolton will become an effective agent in helping the preside
to transform the United Nations into an effective multinational institution. But the inherent dilemma is this: if President Bush believes in building multinational and multilateral institutions but only under U.S. leadership when it suits American interests, then the likely outcome will be the undermining and disappearance of effective multilateral institutions. The question is whether the Bush administration now, and the United States for decades to come, should have a different aim. That is the question addressed in the concluding chapter of Skillen book, excerpts from which follow.

The international role the U.S. should play in the decades to come is one that gives priority to helping to reform, strengthen, and create international organizations for the better governance of the world. This is essential not only to fight terrorism and to strengthen national security, though Michael Ignatieff demonstrates why terrorism “presents a very powerful argument for the reinvigoration of all forms of multination and multilateral cooperation.” Beyond security, the priority of international institutio
building is essential because of the way in which the world is simultaneously shrinkin
and expanding. Human societies are rapidly becoming ever more interdependent
especially economically, which is bringing to light for all to see the diversity of human
cultures, religions, and ideologies, different levels of human development, and the
wide range of economic, vocational, and political ambitions of the people in this one
world. Consequently, as Walter Russell Mead says, part of America’s response to the
magnitude of current changes in the world “must be a new and more creative
approach to issues of global governance.”

This priority does not call for revolutionary action or sudden policy shifts on th
part of the U.S. To the contrary, it calls for long-term, political, economic, social, and
defense policies that build out carefully and historically from contemporary domestic
and international realities. Nevertheless, if the stated priority were to be adopted by
successive American administrations, it would depend on and lead to significant
changes in the American view of the world and to changes of considerable magnitude
in American foreign and defense policies.

The American people need to gain a deeper understanding of what it means th
the world’s peoples and states share a single global commons, the governance of whic
is becoming more and more difficult with each passing decade. The current
international system, even with American military supremacy, is inadequate to deal
with global crises such as terrorism, migration of peoples, spread of disease,
degradation of environments, the maldistribution of basic resources, and the
consequences of bad governance in many states and internationally. Democratic state
depend, for example, on capital markets, says Ignatieff, but a free market in everythin
including weapons of mass destruction, threatens democracy itself. “Economic
globalization could become the means of our own destruction, unless globalization is
accompanied by a steady expansion of regulatory capacity on the part of states,
companies and international institutions. Yet no single state,” argues Ignatieff, “not even the global superpower, has the resources to police a global market in lethality. Hence all states have an interest in devising effective regimes of multilateral regulation.”

The Limits of Realism and Idealism

The modern state’s endurance as the almost universally adopted mode of organizing large numbers of people under government, is the basis for the realist approach to modern international relations. States, through their governments and citizens, can understand their own interests, their own power, and what they need to sustain themselves, say the realists. States cannot have a similar understanding of, commitment to, or responsibility for the people of other states. They cannot know what “justice for all” could possibly mean at the international level. That is why the government of any state should assume that states everywhere, just like people, act in their own interests. The most likely possibility of achieving mutual understanding and stability in the relations among states, therefore, is for each to be accurately aware of its own power and limitations, to work diligently for its own interests, and to recognize that others are doing the same. On that basis, each state can make realistic assessment of why other states are acting as they are and react accordingly. On a realistic basis, diplomacy, trade, and decisions about entering into treaties and participating in balance-of-power arrangements can be carried forward with the greatest likelihood of sustaining one’s own state and the state system.

Over against state-centered realism stand various forms of idealism that want to transcend the limitations of the current state system. The element of truth in the various idealisms and utopianisms is that humans are indeed bound together by more than national self-interest, greed, and suspicion or hatred of foreigners. There is but one humanity in only one world. The meaning and purpose of political order is about more than calculations to protect national interests in keeping with realpolitik. Political life entails some kind of political-legal moral obligation, and there is but one world, no merely a large number of self-interested states. Governing is about right and not only about might, and therefore the question of what is right for my neighbors and for the whole world, as well as for me and my state, will not go away.

If the moment of truth in the best of realism is its recognition of the reality of states in an imperfect, competitive world, the moment of truth in the best of idealism the recognition of ineluctable normative obligations that states and international organizations ignore at their own peril. If realists tend to overlook or discount trans-state norms of justice, idealists tend to overlook or discount the necessity of institutional enforcement of trans-national law. If realists hope that international stability can best be achieved and maintained by means of each state basing its foreign policy decisions on its own interests with carefully calculated balances of power, idealists hope that human beings who desire peace rather than war will increasingly influence their respective governments so the latter can see that even out of self-interest they should voluntarily abide by international law. Realists tend to focus attention on the state because of its historical endurance in monopolizing force for the sake of governing. Idealists tend to underestimate the tenacity and durability of states because they see so clearly what states have failed to do, namely, avoid war, and in the long-term war cannot serve the interests of people who want to live in peace.
The challenge for the United States, today is to pursue “normative statecraft,” which necessarily entails the building of trustworthy international and transnational organizations. This means taking seriously the importance of real governing institutions, which today are mostly states, while recognizing that the normative demands of justice increasingly require more than the governance of and by states. To the extent that justice holds for the domestic obligations of states, their governments have real responsibilities to act for the public protection and well-being of their citizens, including the responsibility to defend their countries against unjust aggressio (in accord with just war principles). To the extent that justice calls for upholding the common good of the international public order in ways that cannot be adequately achieved by separate states acting alone or merely in cooperation, justice requires the building of international and transnational governance capabilities that improve the quality of state responsibilities while also building out beyond state sovereignty.

The fact that states—especially the most powerful states—are generally unwilling to relinquish some of their autonomy to help create necessary international and transnational institutions does not prove the invalidity or meaninglessness of transnational norms of justice. It is a sign, on the one hand, of a proper caution that an state should have about subjecting its citizens to rules and regimes that it does not control by itself. On the other hand, and at the same time, the reluctance of states to relinquish degrees of sovereignty confirms the limitations of the state system to achieve what will increasingly be needed for the just governance of a shrinking world and the well-being of states.

On the other hand, the fact that there is so much international injustice, particularly to the poor and to those in weaker and malformed states, does not prove the invalidity or the meaninglessness of the state as a means of governance. Some aspects of international injustice simply demonstrate the need for better and newer forms of governance that transcend the limits of states. Yet the building of those institutions will have to be done in the same way that states were (and are still being) built, namely, by the gradual efforts of states and other institutions to act in a normative fashion to achieve just governance.

“The signal failure of American foreign policy since the end of the cold war,” says Ignatieff, “has not been a lack of will to lead and to intervene; it has been a failur to imagine the possibility of a United States once again cooperating with others to create rules for the international community.” As human societies grow in complexit and become more and more interdependent internationally, the demand for international justice grows in urgency. According to Michael Sandel, “In a world where capital and goods, information and images, pollution and people, flow across nationa boundaries with unprecedented ease, politics must assume transnational, even global forms, if only to keep up. Otherwise,” he says, “economic power will go unchecked by democratically sanctioned political power. Nation-states, traditionally the vehicles of self-government, will find themselves increasingly unable to bring their citizens’ judgments to bear on the economic forces that govern destinies.”
Development of the European Community into the European Union (EU) is on dynamic illustration of the tension inherent in international institution building. Questions about the welfare, health, and education policies of the EU require answers of a normative kind about the plural structure of society and the proper distribution of governmental responsibilities between national and EU-wide institutions. The more the EU becomes a publicly integrated entity beyond a mere trade zone, the greater becomes its need for transnational governance, including strong legislative and judicial branches of government at the federal level in which all the people living in EU states are adequately represented through elections. The same thing can be said for international integration in other regions and on a global scale. The more that issues of global finance, trade, environment, terrorism, war and peace, and human migration determine the conditions of political life both inside and among the states, the greater the normative demand for different kinds of international and even transnational governance with adequate representation of the people in achieving the rule of law.

Through both its strengths and its weaknesses the U.S. has helped to magnify the partial vacuum that exists in this one world of many states experiencing the growth of interdependence. That vacuum concerns international governance for the sake of both the many states and the global commons. The U.S. has been instrumental in contributing to the development of international law and organizations over the last century, primarily in response to global military and economic crises. At its founding, the U.S. pioneered a unique experiment in confederalism and then federalism that has considerable relevance for the strengthening of transnational governance in the future. Nevertheless, in almost every instance in the twentieth century, international institutions were designed primarily to uphold the principle of national sovereignty, and particularly to preserve U.S. sovereignty. What is increasingly needed now are designs and commitments that strengthen trustworthy international governing capabilities.

One reason why some criticisms of the Bush administration have been naive is because they simply call on the president to fall back into patterns of the first Bush and the Clinton administrations. However, the international status quo was not adequate prior to 9/11. The distribution of political power and authority had changed to such an extent during and immediately after the Cold War that it had become incompatible with the structure and aims of the U.N. system itself, not to speak of the security interests of the U.S., and of the security and economic interests of other states. John Kelsay points out that the emphasis on state sovereignty when the U.N. was established was intended in part to provide protections for new states from the more powerful states as the former were emerging from colonialism. But now that the principle of state sovereignty has been established for all states, the wider concern about what makes for international peace and order must be reconsidered, including questions of humanitarian intervention and interventions to stop terrorism and to guard against the development and use of weapons of mass destruction. The U.N.’s undergirding of the principle of state sovereignty, according to U.N. Secretary-General Kofi Annan, was never intended to protect small and weak states in a way that would make room for them to cloak the violation of human rights.
We may well be facing a crisis of international law and order today more profound than the crisis that emerged with World War II and the loss of the European empires, and more profound than the crisis that gave birth to the Treaty of Westphalia. The U.N. does not represent states among which power is relatively evenly distributed and among which a political-moral consensus about international obligations is universally shared. James Traub reminds us that back in 1948, U.S. Secretary of State George Marshall predicted that "should there be 'a complete lack of power equilibrium in the world, the United Nations cannot function successfully.'" Not only is there no power equilibrium in the world today, but the U.N. does not even represent a consensus about the kind of political and legal systems its member states should have.

In the early 1990s, according to Niall Ferguson, "it seemed as if the United State had established a unipolar order. Yet today’s transnational threats such as terrorism, nuclear proliferation and organized crime—to say nothing of disease pandemics, climate change and water shortages—put a premium on cooperation, not competition between states." Philip Heymann stresses that American leadership requires the trust of others. It can’t be forced on the world. "Great power can lead to great resentment as readily as to admiration." All the more reason, then, for the U.S. to concentrate on working with other states to build trustworthy international institutions. Stanley Hoffmann argued almost twenty-five years ago that to develop a better world order "we need a statecraft that stresses long-term collective gains rather than short or long-term national advantages; that accepts the need for a large measure of institutionalization in international affairs, and for important commitments of resources to common enterprises; that shows great restraint in its use of means; and that goes, in its choice of ends, far beyond the realm of interstate relations."

None of this should be taken to suggest that I have sympathy for what Hedley Bull called "global centralism"—a single, centralized, world state. Instead, with Michael Sandel and Michael Walzer I am leery of a type of centralization of government in the world that would, in Walzer’s words, lack the "capacity to promot peace, distributive justice, cultural pluralism, and individual freedom." Sandel and Walzer both want to avoid centralized oppression as well as anarchy. For Sandel this means that sovereignty needs to be "dispersed" rather than "relocated."

The most promising alternative to the sovereign state is not a cosmopolitan community based on the solidarity of humankind but a multiplicity of communities and political bodies—some more extensive than nations and some less—among which sovereignty is diffused. Only a politics that disperses sovereignty both upward and downward can combine the power required to rival global market forces with the differentiation required of a public life that hopes to inspire the allegiance of its citizens.

For Walzer, even a "federation of nation states" would be too uniform and centralized, because it would probably "make its peace with material inequality" and would be too oligarchic. A global federation would more likely "be reached and sustained by pressure from the centre than by democratic activism at (to shift my metaphor) the grass roots." Walzer proposes something looser and more pluralistic than a global federation, namely, "the familiar anarchy of states mitigated and
controlled by a threefold set of nonstate agents: organizations like the UN, the associations of international civil society, and also regional unions like the European Community.” Walzer, however, does not adequately distinguish governmental from nongovernmental organizations. If there is not to be a single global federation, then undoubtedly the stronger states will have greater control of the UN, the European Community, the World Trade Organization, and other regional and global organizations, as is now the case. The most important normative question, it seems to me, is not how people and nongovernmental institutions can manage to thwart anarchy and centralization, but rather, how governments and international organizations can do justice to individual rights, nongovernmental institutions, and the resources and networks of the global commons. The question is what does just international governance require, not what should it avoid.

Ultimately, the questions about government around the world today are questions about norm-responsiveness. The answers to these questions will not be found simply by noting that democracy is better than totalitarian communism, or that democracy leads to greater happiness and prosperity for more people than does dictatorial government, or that a middle way needs to be found between anarchy and centralization. The answers will not be found simply by fighting to retain the supposedly sovereign state at all cost, and particularly the sovereignty of the United States. Rather, the U.S. should persist in a long-term commitment to cooperation with other states to build stronger, more trustworthy and sustainable international institutions that can lead, demonstrably, to a more just ordering of the international commons.

Of all the “certainties” that have been proposed and fought for in the world, one in particular has proven very durable over the centuries, namely, that there is but one world. The fact that human cultures and languages are many and that there has been more war than peace has not undermined this certainty. As the world continues to shrink with respect to the density of human interdependence, its oneness becomes all the more apparent. Yet what is also clear is that the world has not been unified by human efforts—whether imperial or democratic—even though many efforts have indeed been made to try to bring the entire “known world” under the roof of a single authority. Neither the Pharaoh nor the Roman Empire, neither the Middle Kingdom nor Christendom, neither Islam nor the modern state has been able to constitute the world as a political unity. An American imperium, even if only a military security umbrella, will also fail. The modes of human government have been plural and often conflict. Nevertheless, the world as a single globe continues to shrink even as humans societies continue to expand and become more complex. The system of states that has been developed since 1648 is of crucial importance, but it is insufficient for the just governance of the world. The unavoidable challenge to all states, and especially to the United States, at this point in history is to decide how to cooperate in governing themselves and in building the right kind of international and transnational institutions.
Political Party Twilight in Australia

by Bruce C. Wearne ©

If I go out into the street and ask passersby how they voted in Australia’s federal election last October, one person will say something like, “Oh, I voted for the coalition parties now in government, didn’t you?” The next person will say something like, “I wouldn’t vote for those in government if you paid me. Don’t blame me. I voted for the other mob.”

In Australia, the governing coalition prior to the election was made up of the Liberal and National parties, led by Liberal Prime Minister John Howard. The primary opposition party is Labor. In the election, those three parties won 86 percent of the votes. The Liberal-National coalition won by a sufficient margin to be returned to government. But if you were to ask me what the coalition parties and their Labor opponents stood for during the election, it would be difficult for me to give you an answer that could clarify their respective political commitments. That is the sad truth. For it is not an exaggeration to say that the policies defended by the Liberal-National coalition are the ones it formulated after taking control of government (and the federal purse) in the Canberra Parliament.

This is because the basic principle underlying Australian politics today is pragmatism. Pragmatism has become prevalent over the last 30 years and is becoming more so all the time. If anyone challenges the commitment to pragmatism, he or she will be dismissed as a grandstanding dogmatist, someone out of touch with political reality. A party’s campaign platform, therefore, is no longer something to stand on after election, but rather something from which to jump whenever those in government feel they must try to win support from those who didn’t support their platform.

This relatively new style of Australian politics shows up in some terribly uncivil habits. For example, supporters and opponents of the current prime minister note how he makes a habit of turning his back on the opposition leader when the latter is given the floor to speak in parliamentary debates. This shows contempt not only for the opposition leader but also for Parliament and its offices. It is a small indication of something significant. Those in power flaunt their power while making a great deal of fuss about the mandate given them by the electorate in the last election. Yet they gain their electoral support, in part, by displaying a deep-seated aversion to upholding and debating the underlying principles of their party’s policies.

Prior to the last election, there was, for a while, a widely held expectation that change was coming. The Labor opposition had performed well in the campaign. Labor’s leader, Mark Latham, had more than matched the electoral tactics of Mr. Howard. Latham’s popularity was holding firm in opinion polls. Yet in the end, the Liberal-National coalition came out on top. In fact, Howard’s coalition increased its margin of victory because a number of smaller parties
stole support from Labor. And next July, the parties in government will also
gain majority control of the upper house—the Senate. Why did Labor fail? They
failed for a number of reasons, one can be sure, but the reasons add up,
essentially, to insufficient pragmatism.

And what has happened since October? The Government has carried on
in bold pragmatic style. It has maintained Australia’s symbolic involvement in
Iraq with a minuscule fighting force (800 members), recently increased by 50
percent, with the possibility of adding more in the future. During the election
campaign, however, Mr. Howard assured the nation that any additional
deployment would be a matter of only a minor increase in numbers. On the
positive side, the government set aside one billion dollars to aid Indonesian
victims of the tsunami tragedy in Ache province, Indonesia being our northern
near neighbor. On the other hand, the Government has stirred grave concern
because of the manner in which it continues to detain and house asylum seekers,
their children, and the mentally ill. The Prime Minister has also announced
moves that were not disclosed or really debated during the election campaign:
he intends to introduce legislation to require nationwide uniformity of industrial
awards. The education minister wants nationwide uniformity in university
entrance examinations. And additional reforms are expected in the areas of
social welfare and abortion funding. All of these are simply pragmatic gambits
to try to keep the economy growing.

Keep in mind, Australia is a wealthy nation. Its wealth is part of the
reason for continuing its commitment—shall we call it a religious
commitment?—to pragmatism. The Organization for Economic Cooperation and
Development (OECD) recently released a “report card” on the nation’s wealth
and commended the government for maintaining reforms that have been
responsible for the increase in wealth. The OECD noted that the reforms date
from the years when “accords” between the Labor government and the
Australian Council of Trade Unions (ACTU) were adopted. Essentially the
accords legislated a radical “free market” system, or what Australians call
“economic rationalism.” Massive structural changes resulted for the labor union
movement, thus curtailing its power to stand in the way of economic
development. Industry was transformed. In other words, contrary to what one
might expect from a Labor Party government, it did the dirty work that the
Liberal-National government could never have achieved. But the Liberal-
National coalition now claims those reforms as the basis for its further industrial
reforms that will be introduced into parliament after July.

The Liberal-National government offers no expression of thanks to Labor
for this. Instead it simply tells the nation that it has been and will continue to be
the responsible manager of the national estate. Last October, for the third time,
Mr. Howard went to the electorate as the nation’s economic CEO and asked for
a vote of confidence. Three times he has been reelected. So the shareholders
evidently approve of his “management.” Management thus prevails over
“history,” for additional industrial reforms would not be possible if widespread
industrial change had not been initiated earlier by the Labor government. The
circumstances, in turn, make it very difficult, if not impossible for Labor to
enunciate its own alternative approach to industrial relations policies. Furthermore, the Howard government could not achieve new reforms if it held to the view it maintained in the 1980s that industrial relations are a matter for the states rather than for the federal government to handle. Under pragmatism, there is no long-term commitment to principle, and that lack of commitment extends even to one’s political views about the way the Australian Constitution distributes state and federal competencies.

As a consequence of all this, the 1980s have been forgotten or declared irrelevant despite the OECD’s reminder of the history of our economic-rationalist reforms. Citizens who desire to maintain high living standards want pragmatic results, not a debate about history or party platforms. Politics is about what works now, not about the historical source of what might become a future distress. The reelected government justifies its actions by claiming to have a mandate for its post-election actions, even though industrial reform was not a prominent part of its electoral campaign.

What I’m describing here is the decline of meaningful parties in a democratic system. Parties that try to articulate and stand by principles and a distinctive political vision will only prove that they can lose elections. The major parties have become very much alike. They say to the electorate, “We represent what you want and the way you want it. Elect us.” And after the election, the winner goes and does what it wants as long as it thinks its successes will win it reelection the next time.

Did the 14 percent of the electorate not voting for Labor or the Liberal-National coalition vote for other parties out of commitment to those parties’ principles, or perhaps because they wanted to see a change in Australia’s electoral system? It would be nice to think that either or both of these reasons represented their motivation. But before a change in the electoral system can take place and principled debate among principled parties can enrich our political life, a much larger percentage of voters will have to undergo a change of political heart and practice.

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The Continuing Confusion Over Same-Sex “Marriage”
California Superior Court Judge Richard Kramer ruled in mid-March that California’s ban on same-sex marriage is unconstitutional. He wrote, “It appears that no rational purpose exists for limiting marriage . . . to opposite-sex partners” (Washington Post, 3/15/05).

Supporters of the ban on same-sex marriage argued to the contrary that it is part of California’s traditional understanding of marriage to limit marriage to heterosexual partners. Judge Kramer argued, however, that an appeal to tradition in this case is no stronger than the earlier appeal to tradition to uphold a ban on interracial marriage. In other words, just because something is traditional gives it no greater claim to legitimacy than a break with tradition if people conclude that it is time to break with tradition.

Addressing the charge that allowing same-sex marriage could lead to marriage between siblings or between children, the judge argued that “the case law upholding same-sex marriage ‘is not saying that therefore anyone can marry anyone else.’” The government, he said, would still be able to claim an interest in blocking incestuous or underage unions. But what would be the grounds for government to claim an interest in blocking such unions? Presumably the grounds would be the tradition that such unions are illegitimate because of health and social reasons. Yet those traditional reasons arise only from a relatively recent tradition. Children were given in marriage in earlier societies and some brothers and sisters have married without harm. So what if an increasing number of citizens decide that they want to challenge the newer tradition, which represents nothing more than a prejudice against child marriages?

The point of raising these questions is to say that neither support for nor rejection of traditional practices should be allowed to stand as a sufficient ground for law. Tradition, particularly in the common law tradition of the United States, should be given the benefit of the doubt, but only until good arguments of justice can be offered to change the law in a material way. Banning interracial marriage, for example, was shown to be rooted in white prejudice against blacks, not in any material difference between a racially mixed marriage and a same-race marriage. Once the law was changed to disallow racial discrimination there was no longer any basis for prohibiting heterosexual people, of any race, to marry.

But sexual differences between men and women do not exist because of a prejudice. And it happens to be the case that only heterosexual couples can have sexual intercourse. There is a structural difference between homosexual play and heterosexual intercourse. That is the material basis and the “rational purpose” in law for the traditional identification of marriage as a heterosexual institution.

If Judge Kramer (or any legal or legislative body) asserts that “no rational purpose” exists for limiting marriage to heterosexual couples, he is, without material legal argument, simply dismissing, arbitrarily and dogmatically, the long-established “rational purpose” for heterosexual marriage. His assertion of a
constitutional right of individuals to marry does not come close to addressing marriage law. Thus, his decision will not liberate the institution of marriage from a long-standing injustice that has until now excluded one form of it. To the contrary, heterosexual marriage does not exist because of a prejudice against gay marriages. It exists because of the distinct identity of heterosexuality. The question that must be addressed head on is whether there is a structural difference between heterosexual coupling and homosexual coupling that provides any reason for distinguishing them in law. That is not, first of all, a question of either a civil right or a prejudicial attitude.

To argue that the Constitution guarantees equal treatment to all citizens, both men and women, does not say anything about what constitutes the institutions in which citizens participate. Equal treatment under the law does not by itself yield a definition of marriage, or the family, or a business enterprise, or a university. Civil rights protections function only to assure every citizen equal treatment under the law depending on what the material dispute in law is all about. Law that is just must begin by properly recognizing and distinguishing identities and differences in reality in order to be able to give each its legal due.

If, for example, someone wants to argue that two people who have not in the past been recognized as marriage partners should now be recognized as marriage partners, one must demonstrate that marriage law (not civil rights law) has overlooked or misidentified something that it should not have overlooked or misidentified in the past. For thousands of years, marriage law has concerned itself with a particular kind of enduring bond between a man and a woman that includes sexual intercourse—the kind of act that can (but does not always) lead to the woman’s pregnancy. A homosexual relationship, regardless of how enduring it is as a bond of loving commitment, does not and cannot include sexual intercourse leading to pregnancy. Thus it is not marriage. But the long tradition of making this distinction is not what establishes the legitimacy of the law. The legal tradition is grounded in something and it is that “something” that must be evaluated. For if tradition is not a sufficient ground for law, then neither can the objection to tradition be a sufficient ground for changing the law. Otherwise, each new change amounts to nothing more than the start of a new tradition that can be objected to as a mere tradition that should be changed.

The much disputed question of whether same-sex relationships are morally good or bad, healthy or unhealthy, is beside the point at this stage of legal consideration. The first question is about identity and difference. One cannot argue about whether a particular marriage is good or bad if one doesn’t start by recognizing what constitutes marriage. This is what I am referring to as the material legal matter of properly recognizing and identifying what exists and distinguishing between marriages and friendships, between schools and banks, between churches and multinational corporations. It has nothing to do with civil rights.

For the law to recognize marriage as a certain kind of heterosexual bond with an enduring character and responsibility that includes sexual intercourse,
involves no discrimination whatever against those whose personal bonds do not and cannot include sexual intercourse. Those who choose to live together in lifelong homosexual relationships; or brothers and sisters who live together and take care of one another; or two friends of the same sex who are not sexually involved but share life together in the same home—all of these can be free to live as they do, and they suffer no civil rights discrimination by not being identified as have a marriage relationship.

This is the same as saying that there is no civil rights discrimination against a young man who wants to be hired as a nurse in a hospital but is denied the opportunity because he is unqualified to be a nurse. There is a material difference between a qualified nurse and someone who thinks of himself as a nurse but is not qualified to be one. What divides them is not an illegitimate prejudice by the trained nurse or by hospital administrators who hire nurses. The question behind marriage, in other words, is a structural one that precedes and underlies lawmaking. The argument about the structural identity of marriage is not first of all a legal argument about how people should be treated within the bonds of that structure. Rather, it is about what constitutes the structured relationship in the first place and whether homosexual relationships should be identified as having the structure of marriage. Only after that has been decided can civil rights considerations emerge about how citizens should be treated fairly with respect to marriage.

Some of those who want homosexual relationships to be redefined as marriages say that many aspects of their relationship are like marriage—having sexual play, living together, loving one another, etc.—and therefore they should be allowed to call their relationships marriages. But this cannot be a proper matter of law until the empirical case has been made that a homosexual partnership and a marriage are indistinguishable. Otherwise, the appeal amounts to nothing more than a request that homosexual partners be allowed to call themselves what they want to call themselves regardless of the differences that exist in reality. The answer they want, and the answer Judge Kramer was willing to give them, is that the court should change marriage law based on the principle that reality is defined by the will and declarations of individuals, all of whom should be treated without discrimination. The antidiscrimination principle is appealed to not in order to show that some married couples have previously been denied the recognition of their marriage. Rather the antidiscrimination principle is being used to say that no citizen should be denied the right to call something what he or she wants to call it.

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Background for the argument above can be found in the Center’s Guidelines for Government and Citizenship (see Homosexuality). Go to www.cpjustice.org/guidelines.

Faith and Action in the Faith-based Initiative

by Stanley Carlson-Thies
David Kuo’s critical commentary on the faith-based initiative, “Please, Keep Faith,” posted on Beliefnet.com in mid-February, provoked an outburst of media attention on the Bush policy such as had not been seen since the publication of John DiIulio’s memo to an Esquire reporter in October, 2002. Apparently, for many reporters the important, but complex, matter of reframing government’s interaction with religious social-service providers is newsworthy mainly to the degree that it is controversial. And what could be more titillating than the charge of broken promises due to lukewarm administration commitment that Kuo, former deputy director of the White House Office of Faith-Based and Community Initiatives, made, similar to the charge by DiIulio, first director of the same special office, that senior administration officials didn’t take Bush’s initiative seriously enough?

Sadly, it seems that attention inside the Beltway was drawn mainly by the spectacle of tales being told by former officials of a disliked administration. And outside the Beltway, where the media has given the faith-based initiative an even less-adequate airing, the critiques merely disheartened people praying for change, who wondered if it can be true that the faith-based initiative is only a political game that has changed nothing. But the media responses have little to do with the desire of Kuo and DiIulio to see a more vigorous fulfillment of President Bush’s effort to “rally the armies of compassion”—to gain a more effective American commitment to the needy by expanding the government’s partnerships with faith-based and secular grassroots groups that serve their neighbors faithfully but with few resources.

The faith-based initiative—which received a strong start during the previous administration when President Bill Clinton several times signed into law the Charitable Choice rules to ensure equal opportunity for faith-based groups in certain federal programs—has always been dogged by the fear of many opponents (and the hope of some supporters) that it is a project to transfer federal dollars into the offering plates of churches to support their work of making converts and disciples. Of course it has never been that. The early Bush plans did include budget proposals for new programs and for reinstatement of the charitable deduction for nonitemizing federal taxpayers, but none of the programs would pay for religion instead of services and none of the money would be limited to faith-based groups. David Kuo rightly pointed out that the plans have been only partially achieved. Dug-in Democratic opposition is an obvious reason, but Kuo noted as well lukewarm Republican support, and he also tagged a less than heartfelt commitment to the initiative at the senior level in the White House.

Yet on the central goal of the Bush faith-based initiative—reforming the federal system of support for social services so that faith-based providers are not excluded or discouraged—very important progress has been made. This “re-engineering” part of the initiative concerns the system of federal grants given to groups to support a wide range of services, and also the 85-90% of federal social-service money that is given to state and local governments and thereafter awarded to private organizations. These reforms that make faith-based groups eligible in all programs and that eliminate unnecessary restrictions on their

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2 Diiulio letter to Ron Suskind, October 24, 2002.
religious character and activities are systemic; they have changed the rules for all federally funded social services, extending far beyond the handful of proposed new programs designed specifically to utilize community-serving secular and faith-based groups.

The 2001 White House report, Unlevel Playing Field: Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs, noted many impediments that used to stand in the way of explicitly faith-based groups that sought federal support. The chief problem was “an overriding perception by Federal officials that close collaboration with religious organizations is legally suspect.” Such worries had led to regulations, funding decisions, and grant conditions that placed faith-based applicants at a disadvantage. But the U.S. Supreme Court, at least in this area, has been handing down positive decisions. It has left behind the strict-separationist doctrine that required of the government “no aid to religion” and the related effort to identify which faith-based groups are so “pervasively sectarian” as to be disqualified from government support. The new concept, termed “neutrality” or “equal treatment,” obligates the government neither to favor nor disfavor an applicant merely because of its religious or secular character.

In a sense, all that the Bush faith-based initiative has done is to force the federal government’s practices to catch up with this prior legal development. As Ira Lupu and Robert Tuttle of the Roundtable on Religion and Social Welfare Policy have recently said, “The architects of the Faith-Based and Community Initiative deserve a tremendous amount of credit for collapsing the normal time lag between legal change and bureaucratic change. . . . [T]he federal officers running the Initiative have essentially forced the kind of consciousness-raising on bureaucratic and social service culture about the exclusion of faith organizations.”

The previous administration had dragged its feet concerning Charitable Choice, doing little to inform state and local officials—the officials who actually administer almost all of the federal funds to which the new rules apply—about the provisions. But the Bush administration has issued Charitable Choice regulations, clarifying the requirements and the extent of their application. Even more important, to guide federal, state, and local officials who expend the bulk of federal funds which are not governed by Charitable Choice, in December, 2002, the President issued a path-breaking Equal Protection Executive Order (Executive Order 13279). The presidential directive mandates equal opportunity for faith-based applicants, protects their religious character, establishes guidelines to prevent the diversion of government money from social services to “inherently religious activities” like prayer and evangelism, and protects the religious liberty of beneficiaries. These equal treatment principles have now been encoded into the general administrative rules of various federal departments, to govern all the federal funds that support social services, whether those funds are awarded by federal, state, or local officials.

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In addition, the White House Office of Faith-Based and Community Initiatives has developed a handbook of guidance for faith-based organizations interested in seeking federal support. And it has stepped deliberately into the middle of the most controversial issue, arguing vigorously that all government programs that award federal funds should honor, not abridge, the federal civil right of faith-based organizations to staff on a religious basis, just as secular organizations are able to select compatible employees.\(^4\) The White House has backed efforts in Congress to remove from various laws restrictions on that religious staffing freedom. The Equal Opportunity Executive Order reversed previous federal policy and made faith-based organizations that insist on religious staffing eligible to contract to provide services and products to the federal government (such contracting is distinct from federal funding of private social-service providers). While some religious organizations have advocated against religious staffing when government funds are involved and others have sought to keep from being dragged into the heated controversy, the urgency of defending the freedom has become apparent as opponents on the Hill casually accuse faith-based groups concerned about the religious commitments of potential staff of bigotry and of dragging irrelevant factors into personnel decisions.

The White House Office of Faith-Based and Community Initiatives and the counterpart Centers for Faith-based and Community Initiatives in 10 federal agencies are themselves among the most important achievements of the Bush initiative. These offices and their officials lead the process of identifying and removing legal and bureaucratic obstacles to expanded partnerships, organize training conferences and outreach efforts, and work with state and local officials to increase opportunities for faith-based and community-based programs. As one scholar of White House operations concluded early on, the creation of the Centers for Faith-based and Community Initiatives is one of the key achievements of the Bush initiative: “in the long run, these cabinet centers will have a profound impact by facilitating and coordinating the rewriting of hundreds of regulations,” leading to a changed distribution of federal money\(^5\)

These institutional innovations and regulatory changes are the outcome of a significant and sustained expenditure of presidential, White House, and departmental attention, energy, and political capital. They have been achieved despite the inertia of the federal government; fierce opposition by powerful advocacy organizations; resistance from some of the government’s traditional social-service partners; determined obstruction by many Democrats—and incomplete support by Republicans, some of whom rank other issues as more important than serving the needy and others who worry that federal support may be more damaging than helpful to faith-based social-service providers. If there have been few legislative triumphs and if the reforms that have been made are only beginning to transform actual governmental practice, nonetheless the

\(^4\) For a thorough discussion of the issue and the administration’s actions, see Carl Esbeck, Stanley Carlson-Thies, and Ronald Sider, *The Freedom of Faith-Based Organizations to Staff on a Religious Basis* (Center for Public Justice, 2004).

truth is that, in the words of a recent assessment of the Bush faith-based initiative, the President’s vision of expanded opportunity for faith-based services “has been pervasively and methodically implemented in the workings of the federal government.”

Yet fulfilling the promise of George W. Bush’s campaign and presidential commitments to “compassionate conservatism” requires more than the many and vital institutional and policy changes that have been achieved. Without measuring progress by counting up new programs initiated or the number of millions of dollars allocated to support “neighborhood healers,” there are still reasons to join David Kuo and John DiIulio in hoping for a stronger administration commitment to the President’s reform agenda. The apparently half-hearted, and now abandoned, commitment to reinstating the charitable deduction is particularly troubling, given the very large increase in private giving that would have been encouraged by a relatively small reduction in tax revenue. The increased private is of great importance to charities, and the money would come without the strings that accompany government funds. The tax change would have been a valuable symbol, too, that the faith-based initiative is not exclusively about increasing access to federal funds.

The proposed fiscal year 2006 budget, with its drastic cuts to a number of social-services programs, is likewise troubling. Not that federal spending is a panacea nor that social programs have an inalienable right to life. Yet while ineffective programs should not be maintained, the President rightly often proclaims that a compassionate people and their government will not rest satisfied when so many Americans do not enjoy our society’s prosperity, but the proposed cuts apparently were justified neither by proof that the targeted social needs no longer exist nor by a commitment to fund more-effective responses.

And much more remains to be accomplished to achieve an actual level playing field in government-funded social services. Despite the administration’s Charitable Choice and equal treatment regulations, state and local officials who administer the great majority of federal funds often know little about the new federal standards and have done less to ensure that their practices conform to the new guidelines. The Center for Public Justice in 2000 documented poor state compliance with the 1996 Charitable Choice rules for welfare services, and a forthcoming study by Mathematica Policy Research demonstrates that many states continue to ignore some or all of the Charitable Choice standards. Federal departments, despite all their resources and myriad contacts, have given little detailed guidance to their state and local counterparts about the new requirements and how to meet them. The HHS Center for Faith-Based and Community Initiatives is following up the Mathematica survey of

\[\text{Note that, from early on, the administration ensured that the Office of Management of Budget, a key part of the White House apparatus, was specifically committed to the faith-based initiative. The initiative’s objectives are incorporated into OMB’s performance management system, which evaluates both departments and senior officials.}\]
poor compliance with user-friendly training materials for state officials—but its initiative so far stands virtually alone.\(^7\)

The lack of sufficient guidance is particularly troubling in the new Access to Recovery substance-abuse treatment program. “The promise of this initiative,” according to Charles Curie, head of the federal administering agency, the Substance Abuse and Mental Health Services Administration, “is that it ensures the availability of a full range of treatment options, including the transforming power of faith.”\(^8\) To win an Access to Recovery grant, states had to promise to offer recovery-support services as well as their usual clinical-treatment programs, to recruit new providers, including faith-based programs, and to institute a voucher system to give addicts a choice of provider and to enable the providers they select to offer services incorporating religion, without violating the Constitution. But federal officials have not issued detailed guidelines for states about what constitutes equal opportunity for previously excluded faith-based treatment providers nor about the freedom they must give those providers to express religion in their programs. In the absence of well-publicized and clear standards, the anti-faith bias of most states’ drug-treatment agencies and their traditional treatment partners has barely changed, so that in many states outreach efforts have been constricted, eligibility standards have been only minimally modified, and the terms of collaboration have shifted little. Robustly faith-based service providers, if recruited at all, confront restrictions on religious expression that they suspect must no longer be legal, but there are no detailed rules to which they can appeal nor, apparently, anyone in the federal government ready to hear complaints and demand change from recalcitrant state officials.

The lack of adequately detailed guidance from the federal government has caused other problems. Federal, state, and local officials enthusiastic about welcoming new social-service partners have awarded grants and contracts to inexperienced faith-based organizations without clarifying for them all of the accompanying requirements, such as the restrictions on religious expression when the government funds come directly rather than via vouchers. The consequence has been a series of lawsuits resulting in decisions declaring that officials have permitted illegal practices by their faith-based service partners and requiring an end to those partnerships. The faith-based organizations acted in good faith; they did not realize, never having been informed, that some elements of their programs, though proper when the funding was private, could not be maintained without change once government money was accepted.

Making fundamental changes to government practice is difficult; even so powerful a President as Franklin D. Roosevelt supposedly once complained that trying to change the Navy was like punching a feather pillow, which always bounces back to its original shape. Persuading government officials to enter into significant collaborations with faith-based organizations who in the past were clearly ineligible because they are “too religious” for government support may

\(^7\) The Center for Public Justice has drafted one of the HHS guides and will be developing similar materials for the AmeriCorps State and National program operated by the Corporation for National and Community Service.
\(^8\) HHS press release, August 3, 2004, President Announces $100 Million in Grants to Support Substance Abuse Treatment.
take more than new regulations and a memo of clarification from a department’s Office of General Counsel. There is a persuasive power lacked by mere words in actual new collaborations that demonstrate that grassroots organizations can deliver effective help to underserved communities while complying with government requirements. That is an insight of the Department of Labor’s Center for Faith-Based and Community Initiatives, which has designed and implemented several pilot projects that model for skeptics in both government and society the practicality and value of new ways of working together. But not every federal department has been as supportive of such practical reforms as Labor.

An expanded or more refined reform effort is needed in one other area. As noted, despite fierce opposition, the President and the White House Office of Faith-Based and Community Initiatives have aggressively defended the freedom of faith-based organizations to take account of religion in hiring staff, emphasizing that groups that accept funds from most federal programs do not forfeit the freedom, pointing out that they can use the Religious Freedom Restoration Act to maintain their freedom when there are federal statutory restrictions, and working with Congress to eliminate such restrictions. But recall that almost all federal funds pass through state and local officials before being awarded to private groups. And a significant number of states and many large cities require all grantees and contractors, including faith-based ones, to disregard religion when selecting staff. If those grants or contracts are funded by federal dollars, must the faith-based organization obey the state or municipal restriction on religious staffing or does it retain its freedom under the federal law for the program? Here is the single most important practical issue in this vital area of government reform. And yet, so far, at every opportunity to make a clear statement of the priority of the federal freedom over state and local restrictions, federal officials have skirted the issue, leaving government agencies and faith-based organizations alike both uncertain and vulnerable to legal challenge.

A month ago, on March 1, President Bush addressed a White House Leadership Conference about his faith-based initiative. He gave a strong and stirring restatement of his deep commitment to the initiative in his second term in office. And he went beyond generalities to promise that his administration “will take”—not merely “intends to take”—four major steps over the next four years.9

The first step is to “expand individual choice when it comes to providing help for people who hurt” by expanding the voucher concept from the new Access to Recovery program and the fifteen-year old federal child care program to the broad range of federally funded social services. The second step is to get state and local officials that use federal funds to implement the federal equal treatment principles, removing what the President termed “one of the roadblocks to full implementation” of the faith-based initiative. The third step is to get the Congress to establish firmly in federal law the equal treatment principles, including the religious staffing freedom. Bush challenged Congress to take quick action, and even threatened an aggressive executive bypass of

Congress if it continues to stall on legislative action. The President’s fourth step is to “rid the federal tax code of provisions that can discourage charitable giving.” He specifically mentioned changes to Individual Retirement Account withdrawal rules and to the rules about charitable food donations.

Why these steps and why now? The President told a story about a homeless shelter that was threatened with the loss of its federal funding by federal officials who said that its board of directors was not sufficiently secular. And he added, “[T]oday, after four years of work, we continue to confront this culture, culture of process instead of results, head on. And the goal is, over the next four years, to change the culture permanently so faith- and community-based organizations will be welcomed into the grant-making process of government. That’s the goal.”

Indeed, that has been the major goal. And achieving it will take redoubled effort. As the President intimated, achieving it will take more than renewed enthusiasm. It will take an expanded investment of the federal government’s legal resources, policy-design expertise, discretionary funds for underwriting innovative pilot projects, communications outreach to state and local officials, and legislative influence with Congress. These are resources beyond the President’s bully pulpit and that are not within the direct control of the Office of Faith-Based and Community Initiatives or the Centers for Faith-Based and Community Initiatives. To mobilize them fully will require a greater commitment by the senior White House staff and the secretaries of federal departments. That is the administrative muscle needed to achieve the outcomes promised by the faith-based initiative.

Editor’s Watch
Social Security and the Big Picture

Yes, indeed, Social Security needs to be fixed, and President Bush is correct that the time to begin is now. The problem for the president and Congress, however, is that Social Security cannot be plucked from among a host of national programs and problems that are closely intertwined and solved by itself.

You might ask, however, doesn’t Congress have to deal with one thing at a time? It’s difficult enough for Congress to do anything at all, so isn’t the president right to challenge it with one big project at a time?

It is true that legislative changes are typically incremental, and at only a few times in American history have several major pieces of legislation been written and passed during a single presidential term. This does not contradict the opening paragraph, however. So the challenge is how to achieve one legislative project at a time while still recognizing that the problem being addressed cannot be solved by itself.

Robert J. Samuelson wrote in January (Washington Post, 1/14/05) that “the nation’s problem is not Social Security. It is all federal programs for retirees,
of which Social Security is a shrinking part. Admit that,” he says, “and the
debate becomes harder, but it also becomes more honest and meaningful.”
Americans who pay attention to these issues are already acquainted with the
statistics, and I won’t detail them here. The number of older Americans is
growing in proportion to the number of younger people who will be working to
support the health care and Social Security benefits for retirees. The costs of
Medicare as well as Social Security are expected to skyrocket after 2030.

This is why Samuelson says that it “makes no sense to separate Social
Similarly, it is the total cost of these programs that matters for the budget,
taxpayers and the economy. By itself Social Security is almost irrelevant.” The
tragedy, says Samuelson, is that the public and both political parties are refusing
to face the fact that “the central budget issue of our times is how much younger
taxpayers should be forced to support older retirees.” The issue, in other words,
is not the growing cost of one program or another, but the larger generational
relation between older and younger generations.

The Democrats (and many Americans) have thus far simply fallen back
on the assumption that government has a responsibility to protect the elderly
and therefore taxes will have to be raised and benefits adjusted to keep the
generational compact in force. The Social Security system is not broken right
now, so put off dealing with it until later. Considered in the short run, this
makes some sense. In the long run, however, it is entirely inadequate.

President Bush along with many other Americans, on the other hand, are
using the long-term generational problem as a reason to advocate a partial
private-ownership solution for Social Security on its own. In other words, they
are assuming the opposite of what most Democrats are assuming. The president
is saying to younger workers that government cannot solve the big problems
that now face us, so they need to look in the direction of market solutions for
their retirement security.

This brings us back to the need to see the whole picture in order to
address one major problem at a time. With a growing number of retirees and a
shrinking tax base to support them (because of relatively fewer workers), the big
picture requires consideration, all at the same time, of tax policies, federal social
and health care expenditures, the costs of supporting those who are no longer
working, and the needs and motivations of the younger working generation.
Moreover, all of these together increasingly need to be considered in a global
context, which will affect the American economy more and more.

If the larger challenge is a generational one, in other words, and not
Social Security by itself, then asking citizens only to begin planning for lower
benefits or only to think about how to earn more for themselves in the private
market will not be enough. Both young and old need to look at the soundness of
all systems together and especially at the well-being of the relation between the
younger and older generations. Moreover, Congress and the president need to
look at both taxes and spending together in relation to the whole generational
challenge. Thus, when President Bush says he will not consider any tax increases, and some Democrats say they will not consider any private accounts in Social Security, both are refusing to face up to reality and will only pass on a growing problem to future generations.

Of course, there is a philosophical problem here and not only the technical problem of trying to match federal income and expenses. If President Bush maintains his bias against government and taxes and if others refuse to look at the limits of government, then the way they try to deal with the big picture will be very different. And if a more adequate philosophy of government and society does not capture the imagination of Washington’s leaders, then there will be no resolution of problems such as those associated with the generational shift now taking place.

In almost every sector of society today, leaders are learning to think in terms of multiple functions or interactions within complex systems such as businesses, universities, the military, and even megachurches. The difficulty facing the president and Congress is not that the approach Samuelson is calling for is complex. The primary difficulty is that interest groups are pushing only for their interest and public officials are choosing to serve as interest-group brokers or to play one interest off against the other. The complex “system” called the common good or the public interest is often simply ignored or trampled on. If this pattern of public behavior and political leadership is not changed, then there is little hope for a resolution of the Social Security crisis or of any other crisis for that matter. Politics could indeed be killing government.

—The Editor

Notes

iFor more on the Center’s basis see its statements of purpose and mission and the four-page document, “What Distinguishes the Center for Public Justice,” which can be found on the web at www.cpjustice.org or by calling 410-571-6300. See also James W. Skillen, In Pursuit of Justice: Christian-Democratic Explorations (Lanham, Md.: Rowman and Littlefield, 2004).


ivIgnatieff, Lesser Evil, 159.


viMichael Sandel, “America’s Search for a New Public Philosophy,” Atlantic Monthly (March 1996): 72. Almost twenty-five years ago, Stanley Hoffmann made a similar point: “One of our greatest present difficulties is that the transnational society which crosses borders and plays a vital role in economic affairs, communications, education, and science, as well as in the service of many good causes, does not coincide fully with the international system.” Hoffmann, Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics (Syracuse, N.Y.: Syracuse University Press, 1981), 222.

viiThe best detailed reflection on, and proposals for, European federal integration can be found in the study by the policy research center of the Dutch Christian Democratic Appeal (<wi@bureau.cda.nl>) titled, Public Justice and the European Union (The Hague, CDA, 1999).

viiiOn confederalism and federalism, see F. Parkinson, Philosophy of International Relations (Beverly Hills, Calif.: Sage Publications, 1977), 143-66; Felix Morley, Freedom and Federalism (Indianapolis


Hoffmann, *Duties Beyond Borders*, 205.


Michael Walzer, “International Society: What is the Best We Can Do?,” *Ethical Perspectives* (Journal of the European Ethics Network) 6, No. 3-4 (December 1999): 201.

Sandel, “America’s Search,” 73-4.
