

ity, technology, and nature. Now that humanity has increased vastly in number and our technology has increased greatly in power, our problem from an economic as well as ethical and aesthetic perspective is to maintain proper proportion between economic activity and the natural world. Our task is not simply to control nature but to control ourselves so that the human economy can fit appropriately within the natural one.

It is easy to read a preservationist message in the famous remark in chapter two of *Walden* that "a man is rich in proportion to the number of things he can afford to let alone." In its context, however, this statement also suggests that from an economic point of view we must maintain intact the resources on which we depend. The fisherman, in satisfying his needs, does not destroy the river; he leaves it as he found it for another day. Similarly, we increase our wealth when we bring economic activity into a sustainable relationship with nature, for example, by renewing the resources we deplete and by maintaining the functioning of the ecological systems on which we depend.

An important challenge to the humanities in our time is to show us how we may regard nature not simply as a system of resources or raw materials for our use or, at the other extreme, as a preserve apart from economic life, but as the habitat in which we

and all other species live. The task of developing nature as habitat has been the traditional work of human culture.

The word "culture" derives from *colere* — to cultivate, to dwell, to care for, and to preserve. The attitude of loving care is the lesson the humanities can teach. The writers, artists, and theologians of the nineteenth century taught us to appreciate and revere the loveliness and power of nature, i.e., the beautiful and the sublime. We must now learn how to respect the complex and sometimes fragile ecological systems that support the diversity of life, including our own. If we must abandon the preservationist ideal of a pristine nature from which humanity is excluded, we must at the same time resist the conservationist view of nature as a mere resource for humanity's exclusive benefit.

—Mark Sagoff

Among the sources used in preparation of this article are Ralph Waldo Emerson, "Nature," in *Essays: Second Series* (Merrill Publishing Company, 1969); Perry Miller, *Errand into the Wilderness* (Harper & Row, 1964); Gifford Pinchot, *The Fight for Conservation* (Doubleday, 1910); Samuel Hays, "The Mythology of Conservation," in Henry Jarrett, ed., *Perspectives on Conservation* (Johns Hopkins Press, 1966); Herman Daly, "Toward an Environmental Macroeconomics," *Land Economics* 67 (1991).

Rights Past, Present, and Future

As we witness the disintegration of the Soviet Union and the growing assertion of ethnic and nationalistic claims in opposition to existing political boundaries, we encounter a striking phenomenon. At the same time as states come apart along ethnic and cultural lines, political rhetoric comes together under the once exclusively Western liberal banner of rights, freedom, and democracy. What are we to make of this historic convergence?

There is much to be learned about the contemporary rhetoric of rights from philosophic inquiry into fundamental human interests and liberties. But rights must also be viewed as historical achievements, as protections — devised and tested through time and practice — against many of the worst evils that can befall human beings, and especially those they can inflict on one another. From this standpoint, a key task of both practical philosophy and political debate is to reflect on these products of history: to search for underlying commonalities, to explore ambiguities of existing rights, to inquire whether, given added experience and changed circumstances, the purposes that initially guided the construction of particular rights might now warrant their extension or alteration.

Contemporary discussions of rights are shaped by a complex historical inheritance. The post-Reformation religious wars serve as a useful point of departure. Three different responses to this turbulent period have helped constitute our understanding of rights. To begin with, doctrinal clashes had helped spark an outburst of cruelty that shocked Europe. Leading humanists, chief among them Montaigne, reacted (in Judith Shklar's formulation) by "putting cruelty first" — that is, by identifying cruelty as the prime vice, by focusing on the fear cruelty engendered as the core evil, and by attempting to shape new political understandings and institutions that would reduce the amount of cruelty and fear in the world. This focus on cruelty is echoed in the Eighth Amendment's prohibition of cruel and unusual punishment, and it makes a dramatic reappearance as one of the Atlantic Charter's "four freedoms" — freedom from fear — in response to the twentieth-century renewal of doctrinally-driven brutality.

A second response to religious warfare was an enhanced focus on the value of human life and the formulation of rights of self-preservation. The locus classicus is Hobbes, but life is first among Locke's triad

("life, liberty, and property") as well, and it figures prominently in both the Declaration of Independence and the Fifth Amendment.

A third response to the wars of religion was the development of doctrines of toleration, rights of religious conscience, and the conception of a sphere of privacy, free from government interference, of which religion was the first (and is arguably still the most important) occupant. The influence of Locke's view on the First Amendment — indeed, on American constitutionalism generally — can hardly be overestimated.

The impact of Protestantism on the development of rights theories extended far beyond these responses to religious conflict. In its more radical forms, Protestantism preached the fundamental equality of human beings and translated this principle into a consensual theory of legitimacy. In our time Gregory Vlastos has defended a secularized version of this argument, in the form of a distinction between the intrinsic equality of human worth and the various inequalities of individual merit and accomplishment.

Parallel but equally important developments were occurring in the society and economy of early modern Europe: in particular, the breakdown of feudal and aristocratic systems under various pressures, and their gradual replacement by conceptions of property as fungible individual holdings. The causal relation of historical and doctrinal change in this area has been subject to endless debate. Suffice it to say that by Locke's *Second Treatise*, an enormously powerful revision of medieval property theory had made its appearance, in which full-blown property rights were grounded in self-ownership and labor and were limited only modestly by the rightful claims of others and by the valid acts of consent-based representative governments. While the Declaration of Independence famously replaces the property leg of Locke's tripod with the more general pursuit of happiness, property rights binding on the national government reappear strongly in the Fifth Amendment, in language to be repeated and ultimately applied to the states through the Fourteenth.

The encounter between systems of property rights and the dynamics of market economies, which roughly spanned the century between the 1830s and the 1930s, engendered important codicils to Locke's initial bequest. In England, liberal thought after Mill developed ideas of what we would now call welfare rights and reconceived the relation between individual holdings and the common good. In the United States, the Progressive movement espoused a collectivist, Hamiltonian doctrine of government economic policy, a move that laid the intellectual foundation for the New Deal. The ensuing tension between the moral

logic of individual holdings and of the general welfare has continued to characterize American politics and jurisprudence.

The sea of rights has been fed by two other tributaries in the two centuries since the American Revolution. One is Kant's understanding of individual autonomy and dignity, which in our time has influenced conceptions of rights from Robert Nozick on the libertarian right to Jurgen Habermas on the participatory left. John Rawls, surely the most influential liberal theorist of our time, has moved decisively in the past decade toward a more Kantian understanding of the moral foundations of the state.

The final source of the rights tradition is a conception of liberal individuality, shaped in response to the rise of liberal societies. It has three branches. One, flowing from von Humboldt to Mill and de Tocqueville, focuses on the social conditions for the preservation of human distinctiveness against the weight of egalitarian "mass society." Another is the more distinctively American heroic-Romantic tradition of Emerson, Thoreau, and Whitman, which sees a rights-based democratic society as the arena within which various dramas of individuality may be enacted. A third, developed most fully by the British philosopher Bernard Williams, sees personal character and integrity as paramount. The point of our life, Williams argues, is to lead it as a distinct person with commitments to which we must hold fast, on pain of sacrificing what gives identity and meaning to life. From this standpoint, the purpose of moral theory and political institutions is to safeguard, so far as possible, the space within which these concrete individual life-projects can be adopted and carried out.

The Content of Rights: Current Consensus

These historical sources have contributed to a wide-ranging (but far from comprehensive) contemporary consensus in English-speaking countries, Western Europe, and many emerging democracies, concerning the content of the rights we may claim and exercise.

(1) A right to life is generally acknowledged, although, according to the Fifth Amendment, life may be forfeit (as may liberty and property) under certain conditions. Contemporary controversy over the right to life revolves around its scope and reach. "Pro-choice" and "pro-life" advocates disagree about whether fetuses are "persons" within the meaning of the right. Those who favor the death penalty point to the language of the Bill of Rights, while those who oppose it argue that the right to life cannot be squared with the state's taking of life.

(2) Also subject to general agreement is a range of rights of personal protection: against slavery and personal servitude; against cruel and unusual punishment and torture; against arbitrary searches, arrest, imprisonment, and seizure or confiscation; and against invasions of religious, intellectual, and expressive freedom. (There is, to be sure, debate at the margin of some of these protections. For example, does the right of free religious exercise allow Christian



Scientists to refuse medical treatment for their children in life-threatening cases? Does freedom of expression protect all instances of pornographic, racist, or abusive communications?)

(3) These rights of personal protection are bolstered by the right of all persons to the equal protection of the laws and by the various rights that define and help ensure fair trials.

(4) Even if there is no general right to (or presumption in favor of) liberty, rights secure a wide range of particular liberties: among them, the freedoms to travel, to marry or not marry, to choose and follow a profession, to associate with others, to own and freely dispose of personal property. Taken together, these rights not only secure areas of liberty but also provide concrete opportunities for the "pursuit of happiness" invoked in the Declaration of Independence. Many liberty-rights, of course, engender problems of application. Is the right to travel infringed by foreign policy limitations on access to terrorist nations? Is the right to marry infringed by particular state definitions of marriageable partners?

(5) Finally, rights of participation help both to secure and protect all other rights and to ensure that government remains rooted in the consent of the people, as the principles of liberal legitimacy require. These rights include: fair access to citizenship for all residents within a political jurisdiction; the equal treatment of all citizens; free political speech and assembly and the meaningful ability to bring grievances before public authority for redress; the receipt of all information needed to carry out the activities of citizenship; and a fair opportunity to gain offices of public trust and responsibility.

The Content of Rights: Current Controversies

As we have seen, even well-established rights give rise to controversies over their application. Other rights are more controversial still; their very existence is in dispute.

(1) Above and beyond particular liberties and immunities, is there a "right of privacy" that protects individuals against public interference in, for example, matters of sexual orientation, practice, and expression? Within U.S. constitutional adjudication, this question has arisen in areas such as contraception and homosexuality, and has frequently revolved around interpretations of the Ninth Amendment. But the issue is much broader and older than the public conflicts of the past quarter-century. It found classic expression in Mill's much-discussed distinction between self- and other-regarding action. It resurfaced in the Hart-Devlin debate about the enforcement of morals. And it continues to roil the waters of American politics today. Partisans of privacy rights appeal to equal respect for each individual and to mistrust of government intrusion; opponents insist not only that local majorities have rights to defend their own moral conceptions, but also that liberal society cannot safely be as latitudinarian in matters of sexual conduct as the partisans believe.

(2) A second contested right is that of property. The modern form of this contest is rooted in the European conflict between classical liberalism and social democracy, and in the parallel American conflict between laissez-faire and Progressive nationalism. Today, some philosophers affirm a far-reaching right of property while others either deny such a right or place it on the shifting sands of social utility. Questions of "personal" property (housing, transportation, clothing, and the like) are uncontroversial. The issue is debated along two other dimensions. Some affirm, while others deny, that there is a right to private ownership of the means of production. And some advance, while others resist, the proposition that the typical activities of the modern regulatory state amount to public "taking" of private property without just compensation, and thus to practical nullification of a core moral entitlement.

(3) A third area of dispute concerns "welfare rights" — guaranteed entitlements to basic levels of material provision and opportunity. This category of proposed rights emerged in the European struggle to address some of the unwanted consequences of market economies. It was crystallized in Articles 23 through 26 of the post-war Universal Declaration of Human Rights, which enumerated guarantees of employment, material decency, adequate leisure, and education. It surfaced in the United States in the 1960s and 1970s in the effort to incorporate some social minimum into the Fourteenth Amendment.

Amidst a rather murky debate, three points seem evident. First, unlike other kinds of interests protected by rights, the ability of governments to secure individual material welfare is dependent to a considerable degree on each country's overall level of material well-being.

Second, whatever their standing in liberal theory, minimum welfare guarantees cannot easily be located in (or crammed into) the Bill of Rights, or indeed any other provisions of the U.S. Constitution as it now stands.

Third, while welfare is not a free-standing and independent claim within the U.S. constitutional framework, specific welfare provisions may enjoy a kind of derivative status as the means needed to carry into practice the rights that are guaranteed explicitly or by clear implication. The right to public provision of legal counsel for indigent defendants is one clear case. More broadly, it might well be argued that citizenship guarantees are devalued unless all persons are given the opportunity to equip themselves to exercise the privileges and responsibilities of citizenship. From this perspective, access to education verges on an implied derivative right for all.

A final observation. Liberal conceptions of citizenship stress the duty of independence — the obligation of all (unimpaired) adults to provide for themselves and their families. In modern market economies, the individual's ability to fulfill this duty is in part a function of circumstances outside each person's control (as became painfully evident during the Great

Depression). From this standpoint, entitlements to collective material provision might well be regarded as latent and contingent — that is, as activated if and when economic circumstances make it impossible for individuals to achieve full independence through their own efforts.

The Bearers of Rights: Current Controversies

The central, least problematic case for the analysis of rights is the normally developed adult human being. Matters become more complex when we move to what Kent Greenawalt has called "borderlines of status": children, the handicapped, fetuses, animals, and even vegetation and inanimate nature. Each of these cases has given rise to complex and emotionally charged debates. No one doubts that children and the handicapped have important rights; the chief difficulty is rather to define the rights of normal adults (if any) that members of these categories lack and conversely the rights (if any) peculiar to them. The question of fetal rights is central to the intractable abortion debate. Proponents of animal rights have tended to focus on animals' capacity to feel pleasure and pain and to argue that they therefore possess the same right to have their subjective sensations taken into account as do human beings. Rights questions involving plants and inanimate objects have come to the fore with the rise of environmental concerns, though in these case most theorists believe that moral categories other than rights are more useful and revealing.

A final issue, heatedly debated in the controversy over affirmative action, is whether groups as well as individuals may reasonably be regarded as rights bearers. A remote antecedent of this debate is the distinction, evident in the Declaration of Independence, between the rights of individuals and of "peoples." The document's opening sentence proclaims the necessity of dissolving the political bands connecting one *people* with another. Later, the right of altering or abolishing forms of government is assigned to the people as a whole. For current purposes, the key point is that a "people" is not necessarily coextensive with the full citizen-body of

an existing political community; communities may include several peoples, linked politically.

This transition from individuals to subnational peoples is critical because the Declaration is not simply invoking a Lockean right of revolution; it is establishing the groundwork for a new political community. The object is not to alter or abolish Great Britain's form of government, but rather to separate from it. There must, then, be some ground on which a subnational community can invoke a right of separation, based in part on special bonds of birth, affection, and memory. That is why the colonists appealed to their "British brethren" on grounds of history and consanguinity as well as justice. The "necessity" of the separation of peoples announced at the beginning of the Declaration is explained at the end as the attenuation of affective ties between them. The collapse of Canada's Meech Lake accords and the recrudescence of subnational ethnic loyalties throughout Europe may well provide new arenas in our time for such acts of political self-assertion, and for tests of their validity.

Conclusion

Disputes over the content and bearers of rights are likely to figure centrally in the politics of the next century, here and abroad. What is perhaps most remarkable, though, is the growing globalization of the discourse of rights: the mounting tendency of individuals and peoples to couch their claims in terms rooted in European history and long central to America's political identity. Whether this trend is the harbinger of a global moral community, or a prelude to the unraveling of stable political institutions and national communities, we do not yet know.

—William A. Galston

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Multicultural Education

"In 1492 Columbus sailed the ocean blue now we say for a fact, he did invade the Arawak." It's not the rhyme I learned in school, but, then, my schooling was BME — Before the Multicultural Era.

Multicultural education makes headlines these days, but it is not a new idea or policy. One book on the subject several years ago characterized the debate about it as already "interminable." Multicultural education has been official national educational policy in Australia, Canada, and Great Britain for more than a decade, and in this country it has been a part of state education frameworks, college accreditation rules, and federal education policy since as early as 1972. Implementation and practice lag behind mandate and theory, however, and it is only in more recent years that momentum has built for quite specific classroom interventions and that effective coalitions have matured around a number of contentious programs.

It is very hard to separate the wheat from the chaff in the multicultural argument. The core concepts and ideas in multiculturalism allow for quite divergent interpretation and development. As a consequence, very different programs and aims get called "multicultural," embracing quite different pedagogical strategies and theories, and supported by quite different educational and social diagnoses. Moreover, matters are further complicated by the fact that arguments about multicultural education often cannot be disentangled from the larger political wars in this country about affirmative action, ethnic representation, and group entitlements.

Described most simply, multicultural education trains children to live in a multicultural society. The fact that in the next century forty percent of American students will be minorities and ninety-five percent of their teachers will be white speaks to the double aim of multiculturalism: (1) to help teachers understand and communicate with students who come from different cultural backgrounds, and to guide changes in curriculum and school routine, so that differences in race, language, religion, and folkways don't become barriers to student success, and (2) to create in students from diverse backgrounds mutual understanding and respect, so that as citizens they both appreciate the pluralism in American life and cherish the common political values that sustain it. Multicultural education would seem on this account both desirable and inevitable.

Why, then, the headline-making controversies? There are two sources of dispute in multicultural education. The first arises out of multiculturalism's central aim, which encourages and supports cultural difference contained in a larger framework of common political commitments. This goal of diversity within unity is inherently in tension with itself and will

always generate disagreements about how much cultural difference is compatible with common political core values, and how common the core must be.

The Vocabulary of Multiculturalism

The second source of controversy is not inherent in multiculturalism but arises out of special ways of conceiving and expressing its goals. The current school curriculum is too *Eurocentric*, according to multiculturalists. Students have to be taught to avoid *ethnocentric* judgments about other cultures. America must reject the ideal of *assimilation* for its cultural communities and embrace *pluralism*. Behind this language lurk many snares and pitfalls. For one thing, it is often used, or perceived, as code for other language. "Eurocentric" means "arrogant;" "pluralism" means "on our terms, not yours;" "ethnocentric" means "chauvinistic;" and so on. In the larger cultural wars disputants give and take offense with this vocabulary. More important, however, than controversial formulations are the differing special conceptions of multiculturalism that can march behind them.

The most slippery term of all is "culture" itself, which has the accordion-like capacity to expand or contract to suit any occasion. We think of culture most readily in the context of a people with a distinct language, customs, and history. Certainly, a principal stimulus of multicultural education is the presence in the United States of many immigrant communities. The idea of culture gets extended from this context to cover, as well, groups like African-Americans whose special history and self-identification set them apart somewhat from the rest of the population. Finally, "culturally different" also encompasses organized "alternative" or "counter-cultural" groups such as gays and lesbians, feminists, and others.

The common thread running through these different examples is group self-identification. People explicitly and self-consciously identify themselves as African-Americans, evangelical Christians, gays, or Irish, and demand that this identity receive social acknowledgement and respect. Multiculturalism might more accurately be described as *multi-groupism*, its pluralism extending to nearly all important differentia involved in self-identification. Naturally enough, controversy about appreciation of, and mutual respect for, "cultural difference" is bound to emerge when the "differences" stretch to include values, practices, and beliefs whose acceptability and respectability are socially contested.

Next, consider "assimilation" and "pluralism." Multiculturalism repudiates assimilation as an ideal. Even the best multicultural writings, however, do an inadequate job of characterizing assimilation. One leading work initially describes minorities who