Mary Ann Glendon contends that the language of "rights" has so invaded the public scene that creative political discussion has become almost impossible. Ms. Glendon is a Professor of Law at Harvard University; her Rights Talk: The Impoverishment of Political Discourse, *© by Mary Ann Glendon, was just published by The Free Press, New York, a division of Macmillan, Inc. In lieu of a review we present the preface from her book.*

RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE

By Mary Ann Glendon

In the spring of 1990, men and women in East Germany and Hungary participated in the first fully free elections that had taken place in any of the East European countries since they came under Soviet control in 1945. Excitement ran high. The last people to have voted in that part of the world were now in their seventies. Some young parents, casting their ballot for the first time, brought their children with them to see the sight. Many, no doubt, will long remember the day as one marked with both festivity and solemnity. Meanwhile, in the United States, public interest in politics appears to be at an all-time low. Two months before the 1988 presidential election, polls revealed that half the voting-age public did not know the identity of the Democratic vice-presidential candidate and could not say which party had a majority in Congress.[1] In that election, only half the eligible voters cast ballots, thirteen percent less than in 1960. Americans not only vote less that citizens of other liberal democracies, they display a remarkable degree of apathy concerning public affairs. Over a period of twenty years, daily newspaper readership has fallen from seventy-three percent of adults to a mere fifty-one percent.[2] Nor have the readers simply become viewers, for ratings of network evening news programs have dropped by about twenty-five percent in the past ten years, and the slack has not been taken up by cable television news. Cynicism, indifference, and ignorance concerning government appear to be pervasive. By all outward indicators, the right and obligation to vote — a subject of wonder to East Europeans, and the central concern of many of us who worked in the civil rights movement of the 1960s — is now held here in rather low esteem.

Poor voter turnouts in the United States are, of course, mere symptoms of deeper problems, not least of which are the decline of broadly representative political parties, and the effect of the "sound-bite" on serious and sustained political discussion. On this deeper level lies the phenomenon with which this book is concerned: the impoverishment of our political discourse. Across the political spectrum there is a growing realization that it has become increasingly difficult even to define critical questions, let alone debate and resolve them.

Though sound-bites do not permit much airing of issues, they seem tailor-made for our strident language of rights. Rights talk itself is relatively impervious to the other more complex languages we still speak in less public contexts, but it seeps into them, carrying the rights mentality into spheres of American society where a sense of personal responsibility and of civic obligation traditionally have been nourished. An intemperate rhetoric of personal liberty in this way corrodes the social foundations on which individual freedom and security ultimately rest. While the nations of Eastern Europe are taking their first risk-laden and faltering steps toward democracy, the historic American experiment in ordered liberty is thus undergoing a less dramatic, but equally fateful, crisis of its own. It is a crisis at the very heart of the American experiment in self-government, for it concerns the state of public deliberation about the right ordering of our lives together. In the home of free speech, genuine exchange of ideas about matters of high public importance has come to a virtual standstill.

This book argues that the prominence of a certain kind of rights talk in our political discussions is both a symptom of, and a contributing factor to, this disorder of the body politic. Discourse about rights has become the principal language that we use in public settings to discuss weighty questions of both right and wrong, but time and again it proves inadequate, or leads to a standoff of one right against another. The problem is not, however, as some contend, with the very notion of rights, or with our strong rights tradition. It is with a new version of rights discourse that has achieved dominance over the past thirty years.

Our current American rights talk is but one dialect in a universal language that has developed during the extraordinary era of attention to civil and human rights in the wake of World War II. It is set apart from rights discourse in other liberal democracies by its starkness and simplicity, its prodigality in bestowing the rights label, its legalistic character, its exaggerated absoluteness, its hyperindividualism, its insularity, and its silence

with respect to personal, civic, and collective responsibilities.

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This unique brand of rights talk often operates at cross-purposes with our venerable rights tradition. It fits perfectly within the ten-second formats currently preferred by the news media,[3] but severely constricts opportunities for the sort of ongoing dialogue upon which a regime of ordered liberty ultimately depends. A rapidly expanding catalog of rights — extending to trees, animals, smokers, nonsmokers, consumers, and so on — not only multiplies the occasions for collisions, but it risks trivializing core democratic values. A tendency to frame nearly every social controversy in terms of a clash of rights (a woman's right to her own body vs. a fetus' right to life) impedes compromise, mutual understanding, and the discovery of common ground. A penchant for absolute formulations ("I have the right to do whatever I want with my property") promotes unrealistic expectations and ignores both social costs and the rights of others. A near-aphasia concerning responsibilities makes it seem legitimate to accept the benefits of living in a democratic social welfare republic without assuming the corresponding personal and civic obligations.

As various new rights are proclaimed or proposed, the catalog of individual liberties expands without much consideration of the ends to which they are oriented, their relationship to one another, to corresponding responsibilities, or to the general welfare. Converging with the language of psychotherapy, rights talk encourages our all-too-human tendency to place the self at the center of our moral universe. In tandem with consumerism and a normal dislike of inconvenience, it regularly promotes the short-run over the long-term, crisis intervention over preventive measures, and particular interests over the common good. Saturated with rights, political language can no longer perform the important function of facilitating public discussion of the right ordering of our lives together. Just as rights exist for us only through being articulated, other goods are not even available to be considered if they can be brought to expression only with great difficulty, or not at all.[4]

My principal aim in the chapters that follow has been to trace the evolution of our distinctive current rights dialect, and to show how it frequently works against the conditions required for the pursuit of dignified living by free women and men. With stories and examples drawn from disputes over flag-burning, Indian lands, plant closings, criminal penalties for homosexual acts, eminent domain, social welfare, child support, and other areas, I have endeavored to demonstrate how our simplistic rights talk simultaneously reflects and distorts American culture. It captures our devotion to individualism and liberty, but omits our traditions of hospitality and care for the community. In the images of America and Americans that it projects, as well as in the ideals to which it implicitly pays homage, our current rights talk is a verbal caricature of our culture — recognizably ours, but with certain traits wildly out of proportion and with some of our best features omitted.

Our rights-laden political discourse does provide a solution of sorts to the communications problems that beset a heterogeneous nation whose citizens decreasingly share a common history, literature, religion, or customs. But the "solution" has become part of the problem. The legal components of political discourse, like sorcerers' apprentices, have taken on new and mischief-making connotations when liberated from their contexts in the speech community of lawyers. (A person has no duty to come to the aid of a "stranger.") With its non-legal tributaries rapidly dwindling, political rhetoric has grown increasingly out of touch with the more complex ways of speaking that Americans employ around the kitchen table, in their schools, workplaces, and in their various communities of memory and mutual aid.

Under these circumstances, what is needed is not the abandonment, but the renewal, of our strong rights tradition. But it is not easy to see how we might develop a public language that would be better suited in complexity and moral seriousness to the bewildering array of difficulties that presently face us as a mature democracy in an increasingly interdependent world. Nor is it readily apparent how the public forum, dominated as it is by images rather than ideas, could be reclaimed for genuine political discourse.

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We cannot, nor would most of us wish to, import some other country's language of rights. Nor can we invent a new rhetoric of rights out of whole cloth. A political Esperanto without roots in a living cultural tradition would die on the vine. Throughout the book, therefore, I have marshalled evidence that Americans do possess several indigenous languages of relationship and responsibility that could help refine our language of rights. In many settings, employing a

grammar of cooperative living, American women and men sound better and smarter than our current political discourse makes them out to be. The best resource for renewing our political discourse, therefore, may be the very heterogeneity that drives us to seek a simple, abstract, common language. The ongoing dialogue between freedom and responsibility, individualism and community, present needs and future plans, that takes place daily in a wide variety of American speech communities could help to revitalize our rights tradition as well as our political life.

It is only by overcoming our disdain for politics, however, that we can tap the reserves of wisdom, virtue, and imagination that Americans still display in their varied communities of memory and mutual aid. The prospects for such a project are not especially bright. The energy, skill, and goodwill required to bring a new sort of dialogue into the public square through the barriers of sound-bites, mutual distrust, and the gridlock of special interests would be formidable. Furthermore, the seedbeds of civic virtue (as many political theorists refer to families, religious communities, and other primary social groups) are not in peak condition. The skills of citizenship, not to mention those of statesmanship, have begun to atrophy. It is not at all clear that Americans really desire to engage in a potentially self-correcting dialogue about the ends of political society and the right ordering of our lives together, or that public officials are ready to take the lead by providing the necessary information, example, and opportunities for discussion. No mere "science" of politics will overcome these impediments. But politics, as recent events in Eastern Europe remind us, is also an art — the art of the impossible — and we spurn its transformative dimension at our peril.

NOTES

[1] Michael Oreskes, "Study Finds `Astonishing' Indifference to Elections," *New York Times*, 6 May 1990, p. 32.

[2] Stephen Knack, "Why We Don't Vote — Or Say `Thank You,'" *Wall Street Journal*, 31 December 1990, p. 11.

[3] Kiku Adatto's study of presidential campaign news coverage in 1968 and 1988 revealed the alarming fact that "the average `sound bite,' or bloc of uninterrupted speech, fell from 42.3 seconds for presidential candidates in 1968 to only 9.8 seconds in 1988." *Sound Bite Democracy: Network Evening News Presidential Campaign Coverage, 1968 and 1988* (Research Paper R-2) (Cambridge: John F. Kennedy School of Government, Harvard University, 1990), p. 4.

[4] Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989), p. 91.