Rights and Citizenship in a World of Global Terrorism

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Abstract

September 11th, 2001 has been interpreted by many as an attack upon "Western civilization," or upon civilization in general. To protect civilized society steps have been taken that infringe upon the freedoms that many people associate with Western Civilization. These range from allowing the police more freedom in citizen surveillance, detention and interrogation, to greater restrictions on immigration and travel. These actions raise fundamental questions about the proper designations of citizen rights in a civilized society, and about the definition of citizenship itself. These questions form the focal point of this essay. It employs the methodological tools of public choice to analyze the properties of rights and citizenship, and the consequences of global terrorism for the optimal definitions of rights and citizenship. It also discusses the sense in which September 11th signals a "clash of civilizations."

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1. Introduction

September 11, 2001 has been interpreted by many opinion and political leaders in the West as an attack upon “our civilization,” or upon civilization in general. To protect our civilized society steps have been taken that infringe upon freedoms that many people associate with Western Civilization. These range from allowing police more freedom in citizen surveillance, detention and interrogation, to greater restrictions on immigration and travel. Understandably the United States has taken the lead in introducing these changes, but similar moves have also been taken in other countries. These actions raise fundamental questions about the proper designations of citizen rights in a civilized society, and about the definition of citizenship itself.

These questions form the focal point of this essay. To address them we must first define what we mean by rights and citizenship, and discuss their roles in a civilized society. To do so, I employ the methodological tools of public choice and constitutional political economy. Namely, I analyze the properties of rights and citizenship for a society of rational self-interested individuals who define a set of rights and criteria for citizenship as part of a constitution written to advance their collective interests (Sections 2 and 3). Sections 3 and 4 examine the implications of the rise of terrorism for the choice of definitions of rights and citizenship. We argue that global terrorism could and indeed should lead to significant rethinking of the proper declinations of rights and criteria for citizenship in a democratic society. In Section 7, I take up the issue of whether September 11th signals a “clash of civilizations.” I argue that it does, but not simply one between Islam and the West, as it has sometimes been characterized, but a more fundamental clash between those individuals who
think that society should be organized along principles of rational behavior, and those who reject these principles. Having identified what I believe to be the most fundamental implications of September 11th, I close the essay with some speculations about the future of democratic societies, and indeed of democracy itself, in a world of global terrorism.

2. The nature of constitutional rights

Imagine a group of people, say occupants of an island, writing a constitution, which defines a set of democratic institutions under which they shall live. Among the many elements that must go into a constitution is a voting rule to be used for making future collective decisions. Although the unanimity rule would ensure that no future collective action would harm any citizen, the decision-making costs associated with it argue that some qualified majority rule is likely to be optimal for many decisions.

Now consider the decision calculus of an individual at the constitutional convention. He or she must look into the future and envisage all of the possible issues that might come up and then decide on the optimal voting rule for each. Given the uncertainties at the constitutional stage this is an impossible task. It is, however, reasonable to assume that an individual can envisage broad categories of issues and choose a voting rule for deciding these. On any particular issue, the citizen will be on either the winning or the losing side. Let $s$ be her gain if she is on the winning side, and $u(s)$ her utility from this gain. Let $t$ be her loss if she is on the losing side, and $v(t)$ her utility loss. The probability that she is on the winning side, $p(m)$, is an increasing function of the required majority to pass an issue, $m$, reaching 1.0 under the unanimity rule.² An individual at the constitutional stage would then maximize her expected utility by balancing the gains from increasing the required majority and thus her chances of being on the winning side against the increased decision-making
costs accompanying a rise in $m$. It is reasonable to assume that these decision-making costs, $d(m)$, not only increase with $m$, but increase at an increasing rate ($d'(m) > 0$, and $d''(m) > 0$). An individual’s expected gain from a future collective decision is then

$$G = p(m)u(s) - [1 - p(m)]v(t) - d(m)$$  (1)

Maximizing (1) with respect to $m$ yields

$$p'(m)[u(s) + v(t)] = d'(m)$$  (2)

as a first-order condition. The left-hand-side of (2) is the marginal gain from increasing the required majority and thereby reducing the chance that one is on the losing side, the right-hand-side is the marginal cost of increasing $m$ and thereby increasing decision-making costs.

Different collective decisions will have different gains and loss functions and thus to get more of a handle on which voting rule is optimal for which types of decisions, we need to assume something about these gains and losses. A simple way to approach this issue is to assume that the loss to someone on the losing side is proportional to the gain to a winner, $t = bs, b \geq 0$. It is then easy to show that the majority satisfying (2), $m^*$, increases with $b$.

Some possibilities are illustrated in Figure 1. To the left of $m = 0.5$, the outcome under a qualified majority rule is undefined, as mutually inconsistent proposals can win, and so the $d'(m)$ curve has only been drawn starting at $m = 0.5$. For many decisions the marginal gains lines are likely to resemble $g_1$ and $g_2$, and the simple majority rule is optimal. For a high value of $b$, however, the marginal gains curve looks like $g_3$, and some qualified majority greater than 0.5 is optimal. When the expected loss to the loser under a collective decision becomes very large relative to the gain to a winner, the marginal gains curve looks like $g_4$, and the unanimity rule becomes optimal.3
Consider first the simple action of wiggling one’s toes. This action carries with it a small gain for the actor, and harms no one else. If the community had to vote on whether a person wishing to undertake this action should be allowed to or not, the simple majority rule would certainly be the optimal rule, and one assumes any proposal to allow someone to wiggle their toes would achieve the required majority. There are an infinite number of such actions giving a small utility gain to the actor at no loss to the community (wiggling one’s ears, scratching one’s toe, etc.), however, and thus the transaction costs of voting on all of them would be immense. Citizens at the constitutional convention would minimize future decision-making costs by allowing individuals to undertake any action that is not specifically prohibited.

When an action creates a negative externality, say burning trash, the community will want to be able to prohibit it, and thus the optimal constitution will allow future collective decisions to prohibit certain actions creating negative externalities. Trash burning might conceivably fall into the category of actions for which the simple majority rule is optimal.

Now consider the action of practicing one’s religion. Religions often require their members to undertake actions that, for whatever reasons, irritate some people in the community – that is, religious practices can be sometimes seen as creating negative externalities. As such, one must anticipate that at some time a majority of the community might choose to prohibit a religious practice of a minority, if this were possible under the simple majority rule. Such a collective action might be expected to impose a large loss in welfare on members of the religious minority, however. If the externality caused by the religious practice were modest, the characteristics of this collective action would fit those for which the unanimity rule is optimal. If all citizens at the constitutional stage perceived the loss from being prevented from practicing one’s religion as very large relative to any loss to
those experiencing a negative externality from this practice, *and they were uncertain over whether they would be in the religious minority subject to a future prohibition*, all citizens might well vote to protect the freedom to practice one’s religion by requiring that any prohibitions of religious practices obtain the unanimous support of the community.

If those experiencing a loss of utility from a minority’s religious practices were rich enough, they might be able to offer the minority a sufficiently large bribe that it would willingly give up the practice in question, and a ban on it would pass even under the unanimity rule. But if the constitution drafters were correct in choosing religious practices as a set of actions to be prohibited only with unanimous agreement, i.e., the loss to those prevented from acting is very large relative to the externality it causes, any bribes offered are unlikely to be large enough to produce unanimity. When placing bans on religious practices under the protection of the unanimity rule, therefore, the constitution framers must anticipate that much time and energy will be wasted in the future over idle debates and votes on proposals to ban certain religious practices that in the end fail to achieve unanimity. Realizing this, the constitution framers can economize on future decision-making costs by placing a *right* to practice a religion into the constitution, whereby a constitutional right is defined as a prohibition against any person or group of persons – including the entire community – interfering with an individual’s freedom to undertake the protected action.

Two features of constitutional rights under this theory need to be noted. First, explicit rights will be defined only for actions capable of generating sufficiently strong negative externalities to elicit efforts by some members of the community to restrict them. Even if wiggling one’s toes is expected to give great enjoyment, no constitutional protection in the form of an explicit right to act will be afforded, if it is deemed unlikely that this action will ever generate a negative externality. Many actions that provide considerable benefits for the
actor will never be challenged, and need not be protected. Second, there is an inherent
tension between constitutional rights and majoritarian democracy. When the institutions of
explicitly defined rights and the simple majority rule are both found in a constitution to deal
with situations where individual interests conflict, these situations should differ dramatically
in the perceived losses imposed on the different sides from curtailing the action. The simple
majority rule is optimal for resolving a negative externality, when an individual at the
constitutional stage expects the utility gain from undertaking the action to equal the loss it
causes. Rights are defined precisely where the simple majority rule is not optimal, because
the expected gains and losses from a ban are dramatically different, and the constitution
framers wish to preclude its use. Because rights will be defined only when significant losses
are expected for those prevented from acting relative to the losses imposed on others,
disputes over rights are likely to be emotionally charged, as they pit a perhaps substantial
majority that feels harmed by an action against an intense minority that benefits from it.4

3. Defining citizenship

The normative justification for the state in the public choice literature is to correct
market failures and thereby achieve a Pareto optimal allocation of resources. The properties
of a public good require that all members of the community consume the same public good
and in the same quantity, and this must of course be true for any public goods provided in our
island community. Assume first that all residents of the island have identical preferences and
incomes. There is but one public good that needs to be provided and the community decides
on quantity $G$, which maximizes the joint utilities of the islanders. Under the assumptions
made, this decision would be reached even under the unanimity rule.

Now assume a group from outside of the island sails to its shores and wishes to enter
and join the community. The preferences of members of this group differ from those of the indigenous islanders, however, and the newcomers prefer the quantity $G_N \neq G_I$ of the public good. If the collective choice process used were such that the participation of the newcomers would result in a compromise choice of public good quantity, $G_C$, the indigenous islanders would be worse off as a result of the entry of the newcomers. If the islanders are self-interested utility maximizers, there are four possible outcomes. (1) The islanders do not allow the newcomers to enter. (2) The newcomers are allowed to enter but not to participate in the collective choice process. (3) The newcomers are allowed to enter and participate in the collective choice process, but a voting rule is used such that the newcomers cannot affect the outcome of the process, as for example, the simple majority rule, if the newcomers are a minority. (4) The newcomers are allowed to enter and to participate in the collective choice process, and to affect the outcome of the process, because there are compensating advantages to the islanders that offset the loss imposed upon them by the change in the quantity of public good. The latter possibility might arise for several reasons. For example, the island faces a shortage of workers, or more magnanimously, the newcomers might be asylum seekers on whom the islanders take pity.

Similar issues arise when the islanders first write their constitution, if we drop the assumption that all islanders have homogeneous preferences. Although the option of not granting one group entry to the island does not exist in this situation, the possibility of limiting citizenship to only certain groups does, and one group might choose to form a polity and exclude the other from having voting rights in it, should the two groups have sufficiently heterogeneous preferences. The possibility that both groups obtain citizenship increases, if we assume that constitutional decisions are made from behind the veil of ignorance. This likelihood increases still further if we expand the number of post-constitutional collective
choices and allow for more groups, so that every group has a chance of being part of the majority on some future issues. Although such assumptions increase the likelihood of inclusive definitions of citizenship, they do not guarantee it, when individuals choose definitions of citizenship that maximize their expected utility. With sufficient preference heterogeneity, the expected utility of an individual at the constitutional will be maximized – even from behind the veil of ignorance – by excluding some groups from affecting future collective choices. This can always be accomplished by excluding these groups from citizenship. When these groups constitute a minority of the population, they can be effectively excluded even when granted citizenship, by choosing the simple majority rule as the community’s voting rule.5

4. The impact of growing terrorism on the definitions of rights

The analysis of both rights and citizenship can be regarded as normative in that it describes the constitutional choices that individuals would make when they are uncertain of their future positions. No constitution has ever been literally written by all of the individuals who would live under it, and no participant in a constitution drafting process is totally uncertain about his future position under the constitution or of the positions of those whom he represents. Nevertheless, the long-run nature of a constitution does introduce uncertainty over the consequences of certain of its provisions, and participants in a constitutional convention will be cognizant of the fact that a constitution is something more than a horse trade over a public works budget. If individuals are ever motivated by Rawlsian arguments to place themselves behind a veil of ignorance, they are likely to be so moved at a constitutional convention. Thus, it is reasonable to assume that the analysis of rights and citizenship in Sections 2 and 3 would describe essential features of actual constitutions,
whenever they have been written by people who might be uncertain about the consequences of some provisions of the constitution. And I believe it does.

Many early colonists in America had fled religious persecution in Europe. Those writing the Constitution in Philadelphia knew that it would be possible for some members of a society to attack others for their religious beliefs, and they were probably unable to predict which religions might become the target of an attack. The protection of religious freedom provided by the U.S. Constitution accords with the predictions of the above analysis.

Only a decade before the Constitutional Convention, the United States had been engaged in a war to free itself from what was perceived to have been a tyrannous regime. In the years leading up to the war some leaders of the revolutionary movement had been jailed for considerable time without being charged with a specific crime. Those writing and ratifying the U.S. Constitution might well have feared that a future government might incarcerate members of political movements without due cause. The protection against such actions afforded by the U.S. Constitution also accords with the predictions of the above analysis.

Additional evidence supporting the theory’s predictions is provided by the most glaring civil liberty not protected in the U.S. Constitution. There were no slaves represented in Philadelphia, and no one present at the Convention had any fears that he or any of his decedents might someday be slaves. Slave owners were represented. Thus, the Constitution of a people who had fought a long and bloody war to free themselves from tyranny not only did not prohibit slavery, it actually contained provisions to protect it.

These examples from the U.S. Constitution underscore the importance of uncertainty over future position to the delineation of a right in a constitution. Examples from elsewhere illustrate the importance of the other features of rights contained in the theory. There is no
writ of habeas corpus protection in Israel, and people in Israel are sometimes imprisoned for prolonged periods without being charged with a specific crime. Why? The most obvious answer is, of course, that the Israelis and Arabs have never gathered together to write a constitution. I suspect, however, that even if they were to do so they would not be able to agree on a constitutional provision providing writ of habeas corpus protection. First of all, it would be extremely difficult for representatives of the Jewish and Arab communities to step behind the veil of ignorance and imagine that they are members of the other community.

I would argue further, however, that even if members of both communities could step behind the veil of ignorance, they would not include habeas corpus protection in the constitution. Such rights protection should be included, if the costs imposed on someone prevented from acting are very large relative to any costs imposed on others from the action. The costs imposed upon someone imprisoned for a long period can be assumed to be large. The costs on the rest of the community of letting this person go free, if he has not committed a crime, are that he might do so if free. If the probability of this happening is small, and the likely crime that he would commit is not serious, the conditions for a constitutional right affording habeas corpus protection are met. The history of violence in Israel suggests, however, that the probabilities that members of certain groups at certain points of time will commit crimes are not low, and the crimes that they commit are very serious. Under these conditions a constitutional right to be set free if not charged with a specific crime within a short period of time may not maximize the expected welfare of the community, even if all members consider this right from behind a veil of ignorance. I would not expect a constitution written in Israel or Northern Ireland to contain such a right, even when written under the best of circumstances imaginable.

A right to free speech can be defended under the assumption that the loss to a person
exercising such a right would be extremely large relative to any negative externalities this action imposed on the rest of the community. In Germany and Austria Fascist political parties are banned, and a public figure can be prosecuted for making statements that are interpreted as pro-Fascism. Even an American lawyer would not bother to sue a public figure in the U.S. for making similar statements, because she would know that they are fully protected by the First Amendment. Why are the constitutions of the seemingly liberal democracies of Germany and Austria so unprotective of free speech rights in this area? The answer is obvious. The costs on society from people espousing Fascism are perceived in these countries to be so large that no rights are afforded them.

September 11th changed the perceptions of many Americans, and non-Americans, of the potential external costs of certain actions. Should the member of a terrorist organization caught in a crowded building with dynamite tied to his body be afforded the right to remain silent? Should he be allowed to have the best lawyer that money can buy, if his terrorist organization is rich from illegal activities and donations from those who espouse its cause? How long should the police be allowed to detain suspected terrorist without charging him with a crime, and what means should they be allowed to use when interrogating him? These are difficult questions and I shall offer no answers. What I wish to point out is merely that the answers that were deemed optimal (right) before September 11th may no longer be correct.

Many people think of rights as being bestowed upon us by nature or God, as being absolute. One cannot compromise when it comes to “the rights of man.” No tradeoffs are allowed. These are not the implications of the theory of rights sketched above. One of the most important lessons economics has to teach is that virtually all decisions involve tradeoffs, and this is an important lesson of my political economy theory of rights. Rational individuals
choosing a set of rights to include in their constitution would weigh the likely benefits to 
individuals guaranteed the freedom to act against the possible costs imposed on others of 
these actions. Tradeoffs are inherent in the choice of rights. September 11th has changed the 
dimensions of these tradeoffs, it may call for changes in the definitions of rights.

5. The impact of growing terrorism on the criteria for citizenship

Rights are of importance only in communities with heterogeneous interests. A right 
to practice one’s religion is unnecessary in a community with a single religion. 
Heterogeneities also figure prominently in a community’s’s decision to admit various groups as 
citizens. In addition to not having any slaves in attendance at the Philadelphia Convention, it 
failed to invite any representatives of the indigenous “Indian” population. Nor where 
members of these communities immediately granted citizenship and attendant rights to vote. 
The cultural gap between those living in America of European ancestry and the native 
Americans was too great at the founding of the republic for anyone to think of a common 
citizenship for the two groups.

The United States was founded by Europeans and has had a liberal policy toward 
immigrants throughout most of its history. And this policy has served the country well. The 
United States has been able to skim off the most adventurous and industrious people from 
other countries for over two centuries, and this “immigration policy” has certainly 
contributed to its great economic success. When one sees how successful the American 
“melting pot” has been in assimilating immigrants from diverse cultures, one might question 
the relevance of the discussion in Section 3 of the potential costs to a community from 
admitting people with “heterogeneous preferences.”

By and large preference, or perhaps more aptly, cultural heterogeneity has not been a
problem in the United States, because most immigrants have chosen to leave their countries and their cultures behind and adopt that of the United States. Significant cultural heterogeneity was a transitory phenomenon. The two major exceptions to this happy scenario are the blacks, who did not voluntarily go to the United States in pursuit of “the American dream,” and the native Americans who, perhaps out of resentment from having their land stolen from them, do not for the most part seem to have shared this dream with the immigrants.

Once-white Britain and France have admitted large numbers of people from their former empires and have created the same problems for themselves that the United States created because of slavery. Both countries, like the United States, have large black ghettos with high poverty, unemployment and crime rates. I know of no society with a sizeable black minority where the blacks have been successfully integrated in the sense that they have the same average incomes, occupy the same positions of authority, etc. as members of the white (non black) community. Why this is so I do not know, but it does seem to be a fact.7

In addition to race, language differences have often been a source of social stratification and unrest as, of course, have also religious differences. The United States and many other countries stand as outstanding examples of the great benefits that a country can reap from immigrants, when they are successfully assimilated. The United States and several other countries also bear witness to the heavy costs that can be incurred when minority groups remain unassimilated. As with rights there are tradeoffs to be faced, when a country admits as residents or citizens people with a different cultural background.

September 11th has again changed the perceived magnitudes involved in this tradeoff. A common pattern for taking up citizenship in another country is first to arrive as a student, worker or even tourist, later apply for permanent residence, and eventually for citizenship.
The host country has time to evaluate the desirability of granting residency/citizenship, the applicant has time to decide whether she wants residency or citizenship in this country.

The terrorists who carried out the attacks on September 11th came to the United States on student and tourist visas – some came to learn how to pilot a plane. A reevaluation of policies with respect to granting such visas is an obvious response to the attacks. American-born Timothy McVeigh did not kill as many people as died on September 11th, but he managed to kill quite a few. McVeigh reminds us that hatred for a country’s people and institutions can be home grown. Hatred on the order of that exhibited on September 11th seems more likely to develop outside of the United States than within in it, however, and much more likely to develop in countries that do not share its culture and prosperity than in those that do. The logical response to September 11th is a selective tightening of restrictions on travel and immigration. Although I have referred mostly to the United States, since it was the target of the September 11th attacks, these attacks confront all developed democracies with similar tradeoffs, for the attacks appear to be directed not only at the United States, but also at its way of life – or so it has been claimed.

6. A clash of civilizations?

Some people have interpreted September 11th as confirming Samuel Huntington’s forewarning of a clash between Islam and Western culture, others have gone to pains to say that this is not the case. I too see September 11th as signaling an attack on Western institutions, but see it as both broader and more fundamental than just between Islam and the West, for it comes from both outside and within the countries that share “Western culture.”

Consider the following places around the globe that have filled the headlines over the recent past – Northern Ireland, Kosovo, Macedonia, Israel, India/Pakistan, Afghanistan and,
of course, Manhattan and Washington on September 11th. What do these trouble spots around the world have in common? Religion is an important cause for each conflict. Islam has been a component of several conflict situations, but not all, and even where it has been present the conflict has not always been between Islam and “the West.”

Conflicts over religion are not new. Indeed, parts of Europe were involved in religious wars of one form or another for much of the second millennium. Putting an end to religious wars – with the important exception of Northern Island – must be regarded as one of the great achievements of Western civilization over the past millennium. The course of events that led to this triumph of reason over madness might be traced to the awakening of intellectual thought that started in the Renaissance.8

Probably no single sentence in all philosophy is better known than Descartes’ “I think, therefore, I am” (Eaton, 1927, p. xxv). In placing the individual and his thought process at the center of his proof of God’s existence, Descartes embraced the revolutionary idea that evidence of God’s existence was not to be found in declarations of the Church, or the King, nor by consulting a holy book or a holy man, but in the reasoning process of the individual contemplating God’s existence before the fireplace in the solitude of his study. If a thinking man could construct a logical argument for God’s existence that convinced himself, then God existed. No higher authority was needed than the rational logic of an individual’s own mind.

Descartes helped to advance the transformation in Western thought that began in the Renaissance and culminated in the Enlightenment, a transformation that saw the individual move to center stage in social and philosophical analysis, and which manifested increased confidence in the individual’s power to reason. Democracy was also rediscovered during Europe’s intellectual reawakening in Renaissance Italy. It was the thinking of the
Enlightenment, however, with its optimistic trust in human reasoning that provided democracy its intellectual raison d’être, a trust that was most eloquently expressed in the language of the United States’ Constitution.

A similar evolutionary process was set into motion during the Renaissance that led to the justification of Western society’s other great institutional pillar, capitalism. Form the somewhat mundane but nevertheless revolutionary invention of double-entry bookkeeping, through the rejection of the belief that charging interest is sinful, a series of important victories for rational thinking over superstition and ignorance can be traced reaching an optimistic apex again at the peak of the Enlightenment with the publication of Adam Smith’s *Wealth of Nations*, with its optimistic faith in man’s capability to “truck and barter” and the invisible hand of market competition that guided these activities.

One of the most important and certainly earliest contributions to public choice was the Marquis de Condorcet’s “jury theorem.” Written at the peak of the Enlightenment it is at once a justification for both the use of the simple majority rule to make collective decisions and for democracy itself. The theorem concerns a community’s choice between two alternatives, one is correct (true) and the other is not. The example Condorcet first used involved the guilt of a person accused of a crime, hence the theorem’s name. All citizens are assumed to have the same goal – to make the correct decision – and each has an independent probability, $0.5 < p < 1.0$, of making the correct choice. The theorem states that the probability that the community makes the correct choice, if it votes using the simple majority rule, increases with the size of the community approaching certainty in the limit.

Consider now the import of each of the theorem’s assumptions. The community shares a common goal. No single person “knows the correct answer,” nevertheless, the right answer can be found in the collective judgments of the community. Note here the importance
of the assumption that the probability of any person being correct exceeds one half. Citizens
do not merely flip coins to decide how to vote, they are assumed to invest enough time and
effort studying the question to increase their probability of being correct to above one half.
Moreover, the theorem implicitly contains the optimistic assessment of citizens’ capabilities,
that if they do invest time trying to determine the correct answer, they will increase their
probability of being correct. Thus, this normative case for democracy rests on the
assumptions that we routinely make in public choice: people engage in a collective decision
process to advance their common interests, and they behave rationally. It is sobering in this
regard to recall that Condorcet was put to death by individuals who placed less stock in
rational behavior than he.

Similar assumptions underlie a normative defense of capitalism. The consumer must
be deemed sufficiently self-interested and intelligent to be trusted to make his or her own
consumption, savings and work choices. September 11th calls these assumptions about
individuals into question. Piloting an airplane into a building is difficult to reconcile with our
usual notions of rational, self-interested behavior. One way to reconcile the two is to assume
a strong belief in a life after death and a heavy weight being placed on the enjoyment
experienced in the afterlife. But such strong religious beliefs are themselves incompatible
with democracy and the assumptions that justify its use.

Descartes began his celebrated demonstration of God’s existence with the words, “I
think,” the Apostles’ Creed begins with the words “I believe.” Religion substitutes belief for
thought, and this makes all religions fundamentally at odds with those core Western values
that place trust in man’s ability to reason, and underpin the institutions of democracy and free
markets. The prescriptions of various religions have often been at odds with the principles of
market exchange, of course. What is perhaps less widely appreciated is that religious beliefs
are also often fundamentally at odds with the basic principles underlying democratic institutions. If there are members of the community who represent God, and claim to speak with God, why consult the average citizen to determine the correct action for the community? How can citizen of consumer sovereignty take precedence over the will of God? For the person fully committed to a religious faith, theocracy must be preferred to democracy.

Thus, September 11th does symbolize a fundamental and significant “clash,” but it is not simply a clash between the United States or the West and Islam. It is a clash between those people and those countries that are oriented to improving the welfare of individuals today, and place trust in the judgments of individuals as expressed in the market place and democratic institutions to achieve this goal, and those people who place their trust in a God and are willing to sacrifice the welfare and even the lives of individuals today to comply with God’s will. Fundamentalist Islam represents one component of this latter group, but it is not the only component. Fundamentalist Christianity, fundamentalist Hinduism and any other fundamentalist ideology that makes the individual and his or her welfare secondary to some overarching ideological goal are equally serious challenges. Groups espousing such fundamentalist beliefs exist both inside and outside the family of Western countries.

7. Conclusions

A survey of educated Saudis aged 25 to 41, conducted in October of 2001, found that 95 percent of them supported Osma bin Laden’s cause. Scary.

What is to be done? In 1996 I proposed that everyone in a democracy should be required to pass a test demonstrating that they know something about its democratic institutions and to take an oath that they support the constitution before being allowed to vote (Mueller, 1996, Ch. 20). The purpose of this proposal was to elevate the act of voting from a
right to a privilege, and to reduce the negative externalities imposed on the community by the participation in the political process of those who did not take the time to become informed or did not support the community’s basic democratic institutions. At the time this seemed to some as a radical proposal. Today it perhaps seems less radical. September 11\textsuperscript{th} has taught us that the actions of other members of the community can impose significant costs on us.

Indeed, today it is obvious that much more must be done to protect our democratic institutions. Each citizen must be educated and taught to think and behave rationally, and brought to understand the principles underlying our democratic and market institutions. If another country educates its people to oppose democratic and capitalist institutions, and hate the countries of the West, there is little we in the West can do, other than protect ourselves against those who hold these beliefs. On the other hand, much can be done with the people born within our own countries. Inculcating the “values of the community” has always been thought to be an important justification for state-provided education. September 11\textsuperscript{th} has both underscored the importance of this goal, and highlighted just what values need to inculcated.

Here, Europe is in a much better position than the United States. The notion that the state should provide education and instill “community values” into its citizens is more widely shared in Europe than in the United States. Recent trends in the United States have seen parents removing their children from the public schools and placing them into private ones, and even removing them entirely from schools to be educated at home. While this development has been sparked in part by the poor job American schools do teaching reading, writing and arithmetic, quite often the parents’ goal is to inculcate fundamentalist Christian values into their children. Despite the constitutional separation of church and state, these values are also taking over in some publicly funded school systems. In a growing number of states the scientific knowledge accumulated over the last 150 years concerning the origin of
the universe and the evolution of life on earth is being taken out of public school curricula and replaced by stories invented some three millennia ago to account for the same phenomena. The rise of religious fundamentalism in the United States is so firmly integrated into the political process, that acts of violence by religious fanatics are widely tolerated if not applauded. Why is the woman who waits to ambush a doctor as he emerges from an abortion clinic not just as much of a terrorist as the perpetrators of the attacks on September 11th? Why is she not recognized as a threat to civil society and democratic order? How sadly ironic it was to see America’s political leaders rushing to church immediately following September 11th.

Fortunately, religious fundamentalism has yet to take hold in Europe. But one should not forget that it has not been that long since many Europeans fell prey to the secular fundamentalism of Fascism and Communism, and many Europeans still fall all too readily for the latest ideological fad. What differentiates a farmer’s blowing up a McDonald’s outlet in protest against “American capitalism” from September 11th other than the scale of the damage? That this man becomes a national hero instead of being immediately imprisoned as a terrorist should give every European who cherishes democracy and civil society pause for thought.

Man’s ability to think and reason is obviously what sets him apart from the other animal species. The democratic, legal and economic institutions that we associate with Western societies have brought us such economic wealth that for the first time in mankind’s history old age and overweight are more of a problem than the reverse. The democratic and legal institutions created in Europe appear finally to have brought an end to its wars. These triumphs are the culmination of a long struggle in which those who spoke for progress and rational thought have always been attacked and resisted by those defending ignorance and the
status quo. The attacks of September 11th remind us that the struggle is not over. There continue to be those both within and outside of the West who wish to impose their beliefs on others, and are willing to kill if need be to do so. To respond to this challenge we need to strengthen both our democratic institutions and our citizens’ understanding and support for these institutions.
Notes

1. Since my focus is on democratic institutions and the implications of terrorism for these institutions, I shall for most of this essay use the narrower expression “democratic society” instead of the more grandiose and ambiguous one of “civilized society.”

2. Specifically, I assume \( p'(m) > 0, p''(m) < 0, \) and \( (m = 1) \leftrightarrow (p(m) = 1). \)

3. This discussion reproduces in a slightly different way the classic treatment of the choice of a voting rule by Buchanan and Tullock (1962, pp. 63-91). See also, Mueller (2001).

4. For further discussion of these issues, see either Mueller (1991) or Mueller (1996, Ch.14).

5. For further discussion of these issues, see Mueller (2002) and Mueller (1996, Ch.20).

6. The protection of these rights was added after the Philadelphia Convention and thus reflects the perceived uncertainties of not only some of its members, but also of those not represented at the Convention, most importantly the Anti-federalists.

7. I used to think that Cuba was an exception to this generalization until a Cuban-American friend of mine pointed out that the Cuban army fighting in Angola consisted of European-decedent officers leading mostly black ground troops. I have been told that Brazil is an exception, and confess not to know enough about Brazil to say whether this is true or not.

8. The following arguments were first put forward in Mueller (2000).

9. For a proof and discussion, see Young (1997).

10. It also rests on two additional assumptions that have often been contested in the modern literature – that people become informed about the issues and that the preference aggregation process produces “the correct answer,” or a Pareto optimum. For recent justifications for this optimism by leading public choice scholars, see Wittman (1995) and Breton (1996).

11. The classic statement of this optimistic assessment of consumer sovereignty is still Friedman (1962).


References


Figure 1
Possible Optimal Majorities

Marginal benefits and costs