Rights and Citizenship in a World of Global Terrorism

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Many people have observed that the world is a fundamentally different place after the events of September 11, 2001, and this is certainly true. In addition to the immediate loss of life and property that took place on that day, the world has suffered a tremendous loss in wealth in its aftermath. Countless billions of euros have and are still being spent to protect ourselves against future attacks, countless billions of hours have and will continue to be spent queuing to enter an airplane or football stadium, or to cross a border as a consequence of September 11th. And to these costs must be added the psychological costs imposed on millions of people who fear future attacks on their lives and their way of life.

September 11th 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 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. Understandably the United States has taken the lead in introducing these changes, but similar moves have also been taken in Europe and 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 in the context of 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. This exercise is taken up in Sections I and II.

Sections III and IV examine the implications of the rise of terrorism for the choice of definitions of rights and citizenship. We shall 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 V I take up the issue of whether September 11th signals a clash of civilizations. I shall 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.

II. The Nature of Constitutional Rights

Imagine a group of people, say the occupants of an island, meeting to write 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 against it. Some qualified majority rule of less than unanimity is likely to be optimal for many decisions.

Now consider the decision calculus of an individual at the constitutional convention. She must look into the future and envisage all 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 at the constitutional stage 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 a maximum of 1.0 under the unanimity rule.\footnote{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 of an issue 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 can then be written as

$$G = p(m)u(s) - [1 - p(m)]v(t) - d(m)$$  \hspace{1cm} (1)$$

Maximizing (1) with respect to $m$ yields

$$p(m)[u(s) + v(t)] = d(m)$$  \hspace{1cm} (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 types of 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 of an issue 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 categories of decisions the marginal gains lines are likely to resemble \( g_1 \) and \( g_2 \), and the simple majority rule will be optimal. For a high value of \( b \), however, the marginal gains curve will look like \( g_3 \), and some qualified majority greater than 0.5 will be 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.

Consider first the simple action of wiggling one’s toes. This action carries with it a small gain for the actor, and does no harm to anyone else. If the community had to vote on whether a person wishing to undertake this action should be allowed to do so or not, the simple majority rule would certainly be the optimal rule, and one assumes any proposal to allow someone to wiggle her toes would achieve the required majority, as no one has an incentive to vote against such a proposal. 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, like say burning trash in an urban area, 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 wear certain clothing, refrain from eating certain foods, or undertake other 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 large enough and rich enough, they might be able to offer members of the minority a sufficiently large bribe that they would be willing to 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 the required 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 the actors 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. Even actions that provide considerable benefits for the actor will not be challenged and need not be protected. Second, there is an inherent tension between constitutional rights and the principle of 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 the action against an intense minority that benefits from it.\footnote{\par}

II. Defining Citizenship

The normative justification for the state in the public choice literature is to provide public goods and correct other 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. Let us assume at first that fate is kind and 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 $G_1$, which maximizes the joint utilities of the islanders. Under the assumptions made, this decision could 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 $G_N > G_1$ 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 we assume that the islanders are self-interested utility maximizers, then there are four possible outcomes in this situation.

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 to 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 caused by the newcomers. The latter possibility might arise for several reasons. For example, the island might face 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 meet to 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 exist, and it is possible that one group chooses to form a polity and excludes another 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 stage 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.
III. The Impact of Growing Terrorism on the Definitions of Rights

The analysis of both rights and citizenship can be regarded as *normative* in the sense 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 real uncertainty over the future 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 kinds of arguments to place themselves behind a veil of ignorance and imagine the consequences of a collective choice on others, 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 I and II would *describe* essential features of actual constitutions whenever they have been written by people who might be expected to be uncertain about the future consequences of at least some of the provisions of the constitution, and to be seeking to advance their own welfare and that of their fellow citizens. And I believe it does.

Many of the 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 sufficiently uncertain about the course of the future to be unable to predict which if any future 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
and held for considerable time without being charged with a specific crime. Those writing
and ratifying the U.S. Constitution might well have been fearful that some future government
might choose to 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.
Those who have been imprisoned without being charged with specific crimes have been
Arabs. Were a constitutional convention to be held in Israel, I would expect the Arabs to lobby forcefully for habeas corpus protection in the constitution, and at least some Israelis to argue against it. Consensus on this point would seem unlikely. It would be simply too difficult for members of the two communities to ignore the likely identities of those who might be benefitted and harmed by such a provision.

I would argue further, however, that even if all members of both communities could step behind the veil of ignorance and imagine being part of the other community, they would not choose to include habeas corpus protection in the constitution. Such rights protection should be included, if it is thought that the costs imposed on someone prevented from acting are very large relative to any possible 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 let 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 has changed the perceptions of many Americans, and of many people
outside of America, 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 a member of a terrorist
organization 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 optimal.

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.

IV. 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 figured prominently in our discussion of community decisions 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 AIndian 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 of America was effectively founded by Europeans and has had a fairly 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 Aimmigration policy@ has certainly contributed to its great economic success. When one sees how successful the American Amelting pot@ has been in assimilating immigrants from diverse cultures, one might question the relevance of the discussion in Section II of the potential costs to a community from admitting people with Aheterogeneous preferences.@

By and large preference, or perhaps more aptly, cultural heterogeneity has not been a problem in the United States, because most of the people who have gone there to live 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. In any event, many of them certainly have not realized it.

Once-white Britain and France have admitted large numbers of nonwhite 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.

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 to the
applicant, and 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 McVie did not kill as many people as died on September 11th, but he managed to kill quite a few. McVie 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.

V. A Clash of Civilizations?

Some people have interpreted September 11th as confirming Samuel Huntington=s (1996) 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 AWestern culture.@

Consider the following places around the globe that have filled the headlines over the recent past B 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 Ireland 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.

Probably no single sentence in all philosophy is better known than Descartes’s "I think therefore I am." In placing the individual and his thought process at the center of the search for a 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. From 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 thought 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 in the invisible hand of market competition guiding these activities.

One of the most important and certainly earliest contributions to the public choice literature was the Marquis de Condorcet's *A 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 is assumed to have 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 assumptions of the theorem. The community shares a common goal. At the same time 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 the probability of their 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 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 her own consumption, savings and work choices. September 11th calls these assumptions about individuals into question.

Piloting an airplane into the side of a building is difficult to reconcile with our usual notions about what rational, self-interested behavior entails. The only way the two can be reconciled 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, AI think,= the Apostles= Creed begins with the words AI believe.= In religion belief substitutes for thought, and this makes all religions fundamentally at odds with those core Western values that 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 who claim to speak with God, why consult the average citizen to determine the correct course of 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 which 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 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.

VI. 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? Six years ago I proposed that everyone in a constitutional 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. 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 and reactionary proposal. Today it perhaps seems less radical. September 11th 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 done to protect our democratic institutions than merely to screen people before they are granted the privilege of voting. Each citizen must be educated and taught to think and behave rationally, and brought to understand the principles underlying our democratic and market institutions. There is little we can do about the education systems of other countries, of course. If a 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. There is, on the other had, much more that 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 11th has both underscored the importance of this goal, and highlighted just what values need to inculcated.

Here, Europe is actually in a much better position than the United States. The notion that the state is responsible for providing education and instilling community values into its citizens is much 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
by the parents at home. While this development has been sparked in part by the poor job
American schools are doing teaching reading, writing and arithmetic, quite often the goal of
the parents 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 of the
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 the public school curricula and replaced by stories invented
some three millennia ago to account for the same phenomena.\[^{13}\] 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 11\(^{th}\)? 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 11\(^{th}\).

Fortunately, religious fundamentalism has yet to take hold in Europe. But we 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 seem to fall all too
readily for the latest ideological fad. What differentiates a farmer=s blowing up a
McDonald=s outlet in protest against  A American capitalism  from the attacks on September
11\(^{th}\) other than the scale of the damage done? That this man is treated as a form of national
hero instead of being immediately imprisoned as a terrorist should give every European who
cherishes democracy and civil society pause for thought.

The discussion of issues like the genetic modification of seeds, nuclear power,
  A globalization  and the like in Europe often evidences an appallingly low level of scientific
knowledge on the part of the average European citizen, and all too often on the part of its political leaders. Our schools are on average much better than US schools in teaching basic subjects in the early years, but too many of our future citizens leave school at an early age. We need to send a far larger percentage of our population to universities and we need to provide them with a far broader education when they get there. Most European students specializing in science or the humanities at a university need never take any economics. Economics students can avoid the natural sciences, philosophy and the other humanities. Such narrow specialization at the universities does not adequately prepare future citizens for the collective decisions they will have to make in the 21st century.

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 the history of mankind old age and overweight are more of a problem for us than the reverse. The democratic and legal institutions that we have created in Europe appear finally to have brought an end to wars amongst ourselves. 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. Central among these institutions is a country’s constitution, and few if any elements of the constitution are more important than the definitions of citizenship and citizens’ rights.

References


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

2. Specifically, I assume $p(m) > 0$, $\pi(m) < 0$, and $(m = 1): (p(m) = 1)$.

3. The discussion to this point 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 Cuba 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, of course, also rests on two additional assumptions that have more often been contested in the modern literature B that people take the time to become informed about the issues and that the preference aggregation process produces A 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).
