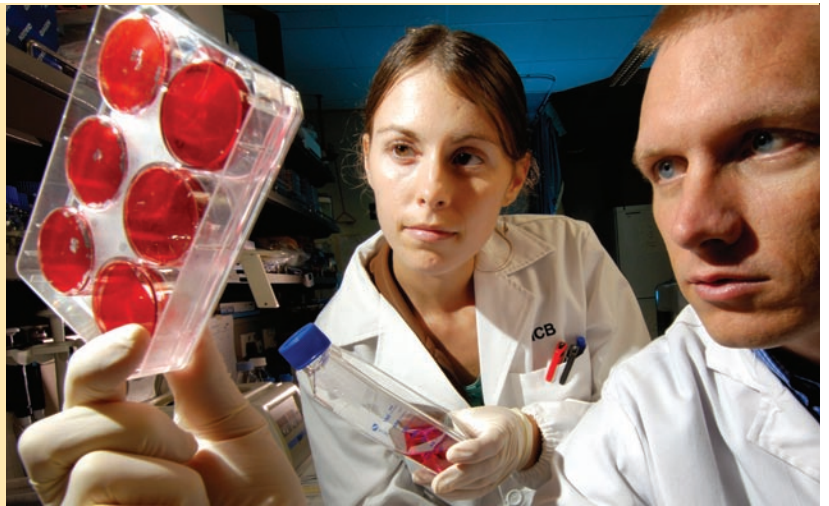


# 5



## Finding Common Ground

**IN COLLEGE COURSES** For a course in science research ethics, a biology major writes a paper on the debate over stem cell research. She begins with a surprising quote: “Catholic and evangelical Christian leaders are welcoming the National Institute of Health’s (NIH’s) new draft guidelines for federal financing of embryonic stem cell research, in recognition of their common interest in establishing strong ethical parameters in scientific research.” She explains that groups with seemingly irreconcilable views on these issues had found common ground in the NIH’s guidelines, which provide that research be limited to stem cells from embryos that would have been destroyed because they are no longer needed for in vitro fertilization. In addition, the rules bar research on embryos created solely for stem cell research and require donors to give their consent.

The student points out that the NIH guidelines represent a compromise and that not everyone is happy. Some scientists argue that they will be a serious impediment because developing matched organs for transplantation would only be possible if banned techniques like therapeutic cloning or somatic cell nuclear transfer were allowed. Opponents of stem cell research such as the National Right to Life Committee make a slippery slope counterargument, claiming that the new guidelines are “part of an incremental strategy to desensitize the public to the concept of killing human embryos for research purposes.” The student concludes by pointing out that, despite continuing points of disagreement, support for the guidelines among parties traditionally opposed to such research represents a step toward an eventual resolution of the issue.



**IN THE COMMUNITY** The chair of the School Uniform Committee of a middle school's Parent Teacher Association (PTA) writes an e-mail to the members reporting on a recent meeting about whether to adopt school uniforms. She begins by summarizing outside research undertaken by the committee: anecdotal information, primarily from school administrators, supports the claim that school uniforms can have a positive effect on discipline, achievement, and safety; however, studies by sociologist David Brunnsma, among others, have found no positive correlation between uniforms and school safety or academic achievement.

The committee chair then presents the arguments made at the meeting by those on both sides of the issue. She reports that those who support the adoption of uniforms argued that they encourage school spirit, eliminate unnecessary social tensions by obscuring differences in socioeconomic background, and forestall gang violence by eliminating the use of gang colors. Those opposed agreed that reducing class distinctions and forestalling gang violence are worthy goals, but expressed concern that school uniforms stifle individuality and are costly and wasteful because they would not be worn outside of school.

Proponents recommended a compromise — to substitute ordinary casual clothes (such as polo shirts and jeans) for expensive formal uniforms. Although this suggestion has appeal to some people, a few voiced the concern that wealthy students would still wear designer jeans. At the conclusion of the meeting, a subcommittee was formed to make specific recommendations for a dress code that would exclude gang colors and achieve a desirable degree of uniformity without incurring undue expense or inviting displays of privilege.

**IN THE WORKPLACE** Major population growth and haphazard development in a previously rural area in southwest Washington State threaten a watershed that supplies several local communities and supports endangered salmon species. Longtime residents, including Native Americans who live on tribal land adjacent to areas slated for development; developers; and county planning officials come together to discuss a plan for sustainable growth in the area. They agree to hire a consulting firm to write a report that analyzes the positions of the stakeholders and outlines a plan for development.

Whereas the residents' interest is in maintaining quality of life and protecting the environment, the developers want access to building sites, and the county officials need to build infrastructure to support the growing population. The consulting firm analyzes these competing needs and recommends changes to developers' original proposals, calling for higher-density development that would be situated further from tribal lands and from the endangered watershed but at the same time cost less to build and support with transportation and utilities. The plan also channels money from the economic growth enabled by development to environmental upkeep.

The U.S. Environmental Protection Agency (EPA) nominates the plan for a National Award in Smart Growth Achievement. The consulting firm and the EPA co-present a session on the project for the 2009 New Partners for Smart Growth Conference. While the presenters encounter some skepticism, many audience members leave the presentation believing that public-private partnerships for sustainable growth can work.

**No one is exempt from the call to find common ground.**

— BARACK OBAMA, *The Audacity of Hope*

A debate is raging in Congress, on the airwaves, and in the blogosphere over the president's proposals for health-care reform. Many citizens are listening in, and some are participating in the discussion. Mostly, those who do tune in witness people with different points of view arguing, sometimes vehemently, but seldom listening to what others are saying. What is too often lacking is a fair and dispassionate overview of the issue, a careful sorting out of the main arguments on various sides, and ideas about where agreement might be possible — in other words, what is lacking is the search for common ground. In this chapter, you will be reading essays that seek common ground and, as you work through the chapter, you will be writing an essay of your own in which you analyze arguments on a controversial issue and suggest where they might find common ground.

Controversial issues are inevitable in any society, and many people shy away from entering public debate because it tends to be loud, raucous, and confusing. Reasoned argument, however, is the lifeblood of a democracy. Free and open discussion offers us insight into why people favor certain policies and resist others, and it helps us establish and refine informed positions of our own. Sometimes the disagreement is local and relatively trivial — whether, for example, traffic should flow two ways or one way on a busy city street. Sometimes the controversy has broader and longer-term implications — for example, whether to build a new campus for a state university system. Sometimes the debate takes on global significance — as, for example, in the question of whether to permit torture as a means of interrogation.

Essays that analyze arguments to find common ground aim to inform and educate readers. To write a common ground essay, you need to avoid thinking of argument as a zero-sum game in which one side wins and the other sides lose. Where values and concerns are shared, where interests and priorities overlap, win-win thinking takes the place of zero-sum thinking, and it becomes possible to find common ground.

For example, the opening scenario about stem cell research suggests that people may be able to come together over certain shared values and concerns even when they continue to disagree on some fundamental aspects of the issue. As long as the stem cells come from embryos that would be destroyed anyway, many pro-life advocates seem willing to accept their use for research designed to save human lives devastated by disease. The shared value of human life together with the common interest in curing diseases like Alzheimer's and Parkinson's make agreement possible.

Similarly, the second scenario about school uniforms suggests that everyone at the PTA meeting agrees that instituting some policies on clothing makes sense; they share concerns about gang-related violence and about the negative effects of obvious socioeconomic differences among students. They have not yet figured out how to accomplish the shared goal of making students' lives safer and more harmonious, but they have agreed to try. Finding common ground is often just the beginning of the process, but it is a crucial and challenging first step.

Learning to write a clear and unbiased explanation of points of agreement and disagreement on a controversial issue can be especially helpful when you are embarking on a new research project and may be a required part of a prospectus or research proposal. Obviously, honing your ability to analyze arguments, understand differences, and find potential areas of agreement can also be helpful personally and professionally.

In this chapter, you will read student essays analyzing different positions on controversial issues: whether steroids should be banned from baseball, whether the United States should use torture as a means of interrogation, and whether the No Child Left Behind Act needs to be changed to improve public education. These readings illustrate the basic features and strategies writers typically use when analyzing opposing positions to find common ground among them. The questions and activities following the readings will help you consider what is particular to one writer's approach and what strategies you might want to try out in writing your own common ground essay.

The Guide to Writing that follows the readings will support you as you compose your own essay, showing you ways to use the basic features of the genre to write a probing and creative analysis of opposing positions on an issue that interests you.

Finally, the Appendix to this chapter offers seven readings taking positions on two different issues: torture and same-sex marriage. (Additional essays on different topics can be found at [bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide).) You might want to use the arguments presented in these readings as the basis of the essay you write for this chapter.

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To get a sense of what is involved in trying to find common ground on a controversial issue, get together with two or three other students, and explore the possibilities for agreement among those who argue about the issue.

**Part 1.** Select an issue with which you are familiar. Here are a few possibilities to consider:

- Should there be a community service requirement for graduation from college?
- Should sororities and fraternities be banned from college campuses?
- Should college athletes be paid?
- Should intelligent design be taught in science classes as an alternative theory to evolution?
- Should oil drilling in places like the Arctic National Wildlife Refuge be allowed?
- Should private cars be taxed to support mass transit?
- Should the drinking age be lowered?
- Should marijuana be legalized?
- Identify the positions people have taken on the issue and the arguments they typically put forward to support their position. (You do not have to agree or disagree; you simply have to recall what others have said or written on the issue. Doing a quick Google search could be helpful here, though it would be best at this point to stick to arguments with which you are familiar.)

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### A Collaborative Activity: Practice Finding Common Ground



- Identify a couple of shared concerns, needs, priorities, values, or beliefs that you think could potentially be the basis for agreement among those who have taken a position on the issue.

**Part 2.** Discuss what you learned about analyzing arguments on a controversial issue and trying to find possible common ground.

- How would you try to convince people who argue about this particular issue that the potential points of agreement you have identified could be the basis for a productive discussion toward building common ground?
- Since debates over controversial issues normally emphasize points of disagreement rather than potential points of agreement, how did you go about finding areas of possible agreement?

## Reading Essays That Seek Common Ground

### Basic Features

### Basic Features

As you read essays that analyze opposing positions to find common ground, you will see how different authors incorporate the basic features of the genre.

#### ◆ An Informative Introduction to the Issue and Opposing Positions

*Read first to see how the writer presents the issue.* Look, for example, at whether the writer assumes that readers are already well informed or need background information, and whether they will be interested in the issue or will need to have their interest piqued. To inform and interest readers, writers may provide material such as the following:

- a political or historical context
- facts or statistics
- examples or anecdotes
- quotations from authorities

*Consider also how the writer introduces the opposing positions and their authors.* The writer usually provides the following information:

- the authors' names
- their professional affiliation or credentials
- the titles of the essays that are being analyzed

- where and when the essays were originally published or posted
- who sponsored the original publication

### ◆ A Probing Analysis

*Read next to see how the writer analyzes the arguments.* Keep in mind that the purpose of the common ground essay is not primarily to *summarize* the arguments, but to *analyze* them in order to discover ways of bridging significant differences.

*Consider whether the writer's treatment of the arguments is both **analytical** and **constructive** —* that is, whether it examines the arguments advanced by each side to understand the points of disagreement as well as the points of potential agreement (analytical) and whether it suggests ways to build common ground on shared values and concerns, needs and interests (constructive).

*Think, too, about what the writer has chosen to focus on and what has been left out.* Because of time and space constraints, essays finding common ground cannot be exhaustive: writers must select only two or three points of comparison, among which the following are perhaps most common:

- values (for example, freedom, justice, equality)
- moral, ethical, or religious principles (for example, the sense of right and wrong, “do unto others,” social responsibility, stewardship of the natural environment)
- ideology (a system of ideas and ideals — for example, the ideas in the Declaration of Independence that everyone is created equal and has the right to life, liberty, and the pursuit of happiness)
- needs and interests (for example, food, shelter, work, respect, privacy, choice)
- fears and concerns (for example, regarding safety, socioeconomic status, power)
- priorities or agendas about what is most important or urgent (for example, whether law and order is more important than securing justice and equality)

In reading the essay, try to decide whether the writer has selected points of comparison that are likely to be seen by readers as significant.

*Look also at how the writer tries to frame (or reframe) the issue.* A sincere attempt at finding common ground will frame the issue so that it can be perceived anew as potentially unifying and productive. For example, the opening scenario about stem cell research indicates how the issue was productively reframed in terms of the ethics of scientific research — an area where interests and concerns overlap — rather than as a pro-life/pro-choice issue, where values and priorities seem irreconcilable. Similarly, the scenario about school uniforms shows how people constructively framed the issue as an attempt to reduce tensions among students — a shared priority on which agreement could be forged. Finally, the scenario about sustainable development shows how some individuals are seeking a way out of the “either (we make money) or (we do good in the community)” binary thinking traditionally assumed by many to be the principle by which capitalism functions.

### ◆ A Fair and Impartial Presentation

*Read carefully to see whether the writer comes across as fair and unbiased.* A common ground essay is not a passive summary merely repeating what others have said. It is a probing examination seeking to understand not only on what points people agree and disagree, but *why* they agree and disagree and *how* they might come to an agreement on at least some points. Therefore, it is necessary for the writer to be perceived as unbiased, equitable, even impartial. To win and hold readers' confidence, the writer normally does the following:

- refrains from taking a position on the issue
- represents the opposing sides fairly and accurately
- avoids judging either side's arguments
- gives roughly equal attention to the opposing viewpoints

### ◆ A Readable Plan

*Finally, read to see how the writer provides a readable plan by dividing the essay into clearly distinguishable points of agreement and disagreement.* Examine the strategies the writer uses to make the essay easy to follow, such as:

- providing a clear thesis and forecasting statement
- using topic sentences for paragraphs or groups of paragraphs
- labeling the positions consistently (for example, with the authors' last names)
- repeating key words to identify the points of agreement and disagreement
- signaling similarities and differences with clear comparative transitional words and phrases

## Purpose and Audience

*As you read common ground essays, ask yourself what seems to be the writer's **purpose**.* For example, does the writer seem to be writing for any of the following reasons:

- to inform readers about a controversial issue
- to explain the kinds of arguments particular writers have made and possibly the kinds of arguments that are typically made on the issue
- to clarify different points of view on the issue
- to examine ways in which people already agree on the issue
- to suggest where there may be potential for significant common ground between different points of view

*As you read, also try to decide what the writer assumes about the **audience**.* For example, does the writer

- expect the readers to be generally well informed but not knowledgeable about this particular issue;
- assume the readers may not be especially interested in the issue;
- anticipate readers will be unfamiliar with the issue, so that the essay will serve as an introduction;
- anticipate readers will know something about the arguments typically made on the issue, so that the essay may open new possibilities; or
- expect some readers will already have strong views about the issue?

## Readings

JEREMY BERNARD is an avid baseball fan who has closely followed the many steroid scandals. He asked his instructor if he could write about the issue and use as his two main texts George Mitchell's report and a Web site written in response to it. Even though these two texts are too long and complex to cover in depth, his instructor gave Bernard permission to use them if he met two criteria: he had to make sure his essay stayed within the page limit and he had to refrain from stating his own position on the issue. His instructor gave him the opportunity to write his next essay, a position paper, on the steroids issue. Moreover, he was told — as was the rest of the class — that he could use the research he did for the common ground essay for his position essay. He could even quote from his common ground essay in his position paper so long as he cited it correctly.

Bernard jumped at the chance to write two essays on baseball. As you read this essay, consider whether Bernard successfully kept his opinion to himself. (Bernard's sources are available online at [bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide).)



### Basic Features

- An Informative Introduction
- A Probing Analysis
- A fair and Impartial Presentation
- A Readable Plan

Lost Innocence

Jeremy Bernard

In a nation committed to better living through chemistry — where Viagra-enabled men pursue silicone-contoured women — the national pastime has a problem of illicit chemical enhancement.

— George Will

1

Many American writers have waxed poetic about baseball. Walt Whitman, the great nineteenth-century poet, sang its praises: "It's our game — the American game." "More than anything," remarked Pete Hamill, the twentieth-century journalist and novelist,

Why does Bernard begin with the epigraph and quotes by Whitman and Hamill?



Why is this information worth presenting to readers?

How does Bernard frame the debate? How fair does he seem?

Skim the essay to see how Bernard use key terms to forecast his main points?

How do the repeated words and sentence structure help readers understand the two positions?

Where does Bernard choose to quote and paraphrase? Are these choices appropriate?

What do these highlighted transitions signal?

“it’s a game of innocence” (Andrijeski). The age of innocence in baseball seems to have ended in the 1990s when “the Steroid Era” began and players from Mark McGwire to Roger Clemmons, Barry Bonds, and Alex Rodriguez were identified as using performance enhancing drugs (PEDs). Such substances as anabolic steroids and human growth hormone are a concern in other sports as well, but the steroid scandal has been especially painful in baseball, possibly because of its special status as America’s national pastime.

In 2006, the concern was so great that George Mitchell, the former Senate Majority Leader and peace negotiator, was enlisted to investigate. “The minority of players who used [performance enhancing] substances were wrong,” the *Mitchell Report* concludes. “They violated federal law and baseball policy, and they distorted the fairness of competition by trying to gain an unfair advantage over the majority of players who followed the law and the rules” (310).

An opposing position has been presented by respected baseball authority Eric Walker on his Web site, *Steroids, Other “Drugs,” and Baseball*. Walker concedes that using PEDs is against the law and against the rules of baseball. But he argues that the real issue is whether PEDs ought to be “illegal and banned” by Major League Baseball (MLB). He addresses many of Mitchell’s arguments, but I will focus here on two of Mitchell’s main reasons supporting the ban on PEDs: the health risk and fairness.

#### Should PEDs Be Banned from Baseball Because They Constitute a Significant Health Risk?

The health risks of using PEDs would seem to be a question of fact on which everyone should be able to agree. Mitchell and Walker do agree, but not on everything. They agree that the medical evidence is inconclusive. More importantly, they agree that there is a risk of side effects from PEDs. They agree that the medical risks to adolescents are, as Walker puts it, “substantial and potentially grave.” But they disagree on the significance of the risks to adults, and they disagree on who should decide whether the risks are worth taking.

Mitchell and Walker consider the medical evidence for a variety of PEDs. They each cite reputable scientists and research studies. While Walker concludes that “PEDs are by no means guaranteed harmless,” he argues that the side effects tend to be mild and reversible. Mitchell takes a more negative view, arguing that there is “sufficient data to conclude that there is an association between steroid abuse and significant adverse side effects” (6). Nevertheless, it is notable that when discussing each of the possible side effects, he is careful to use hedging words like *can* and *may* and to acknowledge that clinical trial data is limited. So it’s possible that Mitchell and Walker are closer on the health risks than their arguments suggest.

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6 However, Mitchell and Walker seem to be miles apart when it comes to the question of who should decide whether the risks are worth taking. Walker argues that adults ought to have the responsibility to decide for themselves. To support this ethical argument, Walker cites authorities such as Dr. Norman Fost, Director of the Program in Medical Ethics at the University of Wisconsin. Fost asserts in “Steroid Hysteria: Unpacking the Claims” that “even if steroids did have . . . dire effects, it wouldn’t follow that a competent adult should be prohibited from assuming those risks in exchange for the possible benefits. We allow adults to do things that are far riskier than even the most extreme claims about steroids, such as race car driving, and even playing football.”

7 Although Mitchell does not address this ethical question directly, he clearly thinks Major League Baseball should make the decision for the players by banning PEDs. While Mitchell expresses other ethical concerns (discussed in the sections below), he seems not to have considered the ethics of who should decide whether the risks are worth taking. Perhaps he and Walker would be able to find common ground if they discussed this question directly and if the players themselves made their opinions known.

#### Should PEDs Be Banned from Baseball Because They Give an Unfair Advantage to Athletes Willing to Take the Risk?

8 You’d think anyone interested in sports would value fairness. But fairness turns out to be rather complicated, at least for Walker. For Mitchell, it’s pretty straightforward. As I explained earlier, Mitchell claims performance enhancing substances are wrong simply because they give some players an “unfair advantage” over those who play by the rules (310). Walker concedes this point. In fact, he says “that is why PEDs are banned.”

9 However, Walker disagrees with Mitchell’s way of defining “a level playing field” as one where “success and advancement . . . is the result of ability and hard work” (Mitchell 5). According to Walker, Mitchell makes a false distinction between what is natural and unnatural. Whereas certain aids to performance — such as better bats, chemical-filled drinks like Gatorade, Tommy John and Lasik surgery — are considered natural and therefore allowable, other aids — particularly PEDs — are deemed unnatural and banned. To support his argument, Walker cites Fost again. “Here’s what Fost wrote in ‘Steroid Hysteria’: ‘There is no coherent argument to support the view that enhancing performance is unfair. If it were, we should ban coaching and training. Competition can be unfair if there is unequal access to such enhancements.’”

10 In other words, unequal access is the key to the unfairness argument. On this point, Mitchell and Walker seem to agree. The argument is really about making sure that there is a level playing field. Mitchell puts his finger on it when he explains that

How does citing Fost get at a potential basis for agreement between Walker and Mitchell?

How does Bernard avoid taking a position here?

How do the headings help you as a reader?

How effectively does Bernard transition to and introduce his second point?

How do the highlighted transitions help you as a reader?

Why does Bernard indent this quotation?

How effectively does Bernard analyze the argument about fairness?

How effective is this way of ending the essay?

What can you learn from these citations for your own essay?

the illegal use of these substances by some players is unfair to the majority of players who do not use them. These players have a right to expect a level playing field where success and advancement to the major leagues is the result of ability and hard work. They should not be forced to choose between joining the ranks of those who illegally use these substances or falling short of their ambition to succeed at the major league level. (5)

Ethicists call this a coercion argument. “Steroids are coercive,” Fost explains, because “if your opponents use them, you have to” as well or you risk losing. Walker has a simple solution: allow PEDs to be “equally available to any who might want them.” He argues that there are lots of requirements or expectations that athletes regularly make choices about. He sees “no logical or ethical distinction between — just for example — killer workouts and PEDs.” Therefore, Walker concludes, each athlete has to decide for him- or herself what’s “appropriate or necessary.”

Mitchell, on the other hand, assumes it should be the responsibility of Major League Baseball to set rules that protect the athletes and protect the sport. He acknowledges that players “are responsible for their actions” (311). But he insists that “Commissioners, club officials, the Players Association, and players” should share “responsibility for the steroids era” and “should join in” the “effort to bring the era of steroids and human growth hormone to an end” (311).

By saying that everyone involved in Major League Baseball shares some responsibility for its future well being, Mitchell appears also to be reaching out to critics like Walker who share a common love of the sport. It seems that they may not really be that far apart after all.

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11

12

MELISSA MAE asked her instructor if she could analyze the controversy about the U.S. government's treatment of detainees under the Bush administration. She read two published essays on torture recommended by her instructor, one coauthored by law professor Mirko Bagaric and law lecturer Julie Clarke (reprinted in this chapter on pp. 233–234), the other by retired Army chaplain Kermit D. Johnson (pp. 235–238). Mae decided to focus her essay more on their commonalities than on the obvious differences between them.

As you read Mae's essay, consider how well she succeeds in finding areas of potential common ground between the authors she is analyzing.

### Laying Claim to a Higher Morality

Melissa Mae

1 In 2004, when the abuse of detainees at Abu Ghraib became known, many Americans became concerned that the government was using torture as part of its interrogation of war-on-terror detainees. Although the government denied a torture program existed, we now know that the Bush Administration did order what they called "enhanced interrogation techniques" such as waterboarding and sleep deprivation. The debate over whether these techniques constitute torture continues today.

2 In 2005 and 2006, when Kermit D. Johnson wrote "Inhuman Behavior" and Mirko Bagaric and Julie Clarke wrote "A Case for Torture," this debate was just heating up. Bagaric and Clarke, professor and lecturer, respectively, in the law faculty at Australia's Deakin University, argued that torture is necessary in extreme circumstances to save innocent lives. Major Johnson, a retired Army chaplain, wrote that torture should never be used for any reason whatsoever. Although their positions appear to be diametrically opposed, some common ground exists, because the authors of both essays share a goal — the preservation of human life — as well as a belief in the importance of morality.

3 The authors of both essays present their positions on torture as the surest way to save lives. Bagaric and Clarke write specifically about the lives of innocent victims threatened by hostage-takers or terrorists and claim that the use of torture in such cases to forestall the loss of innocent life is "universally accepted" as "self-defense." Whereas Bagaric and Clarke think saving lives justifies torture, however, Johnson believes renouncing torture saves lives. Johnson asserts: "A clear-cut repudiation of torture or abuse is . . . essential to the safety of the troops" (26), who need to be able to "claim the full protection of the Geneva Conventions . . . when they are captured, in this or any war" (27).

This underlying shared value — human life is precious — represents one important aspect of common ground between the two positions. In addition to this, however, the authors of both essays agree that torture is ultimately a moral issue, and that morality is worth arguing about. For Bagaric and Clarke, torture is morally defensible under certain, extreme circumstances when it “is the only means, due to the immediacy of the situation, to save the life of an innocent person”; in effect, Bagaric and Clarke argue that the end justifies the means. Johnson argues against this common claim, writing that “whenever we torture or mistreat prisoners, we are capitulating morally to the enemy — in fact, adopting the terrorist ethic that the end justifies the means” (26). Bagaric and Clarke, in their turn, anticipate Johnson’s argument and refute it by arguing that those who believe (as Johnson does) that “torture is always wrong” are “misguided.” Bagaric and Clarke label Johnson’s kind of thinking “absolutist,” and claim it is a “distorted” moral judgment.

It is not surprising that, as a chaplain, Johnson would adopt a religious perspective on morality. Likewise, it should not be surprising that, as faculty at a law school, Bagaric and Clarke would take a more pragmatic and legalistic perspective. It is hard to imagine how they could bridge their differences when their moral perspectives are so different, but perhaps the answer lies in the real-world application of their principles.

The authors of essays refer to the kind of situation typically raised when a justification for torture is debated: Bagaric and Clarke call it “the hostage scenario,” and Johnson refers to it as the “scenario about a ticking time bomb” (26). As the Parents

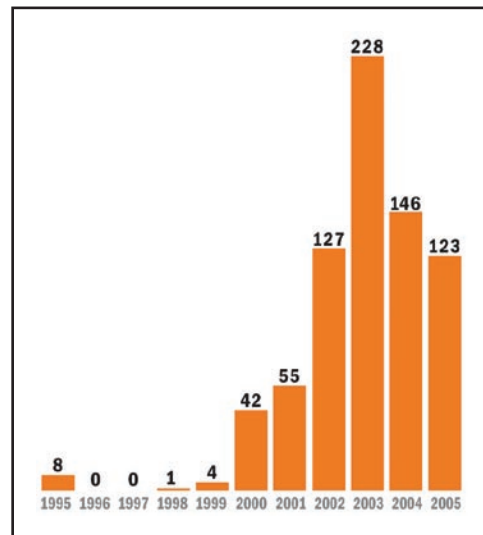


Fig. 1. Parents Television Council, “Scenes of Torture on Primetime Network TV”; rpt. in “Primetime Torture,” *Human Rights First* (Human Rights First, 2009; web; n. pag.).



Television Council has demonstrated, (see Figure 1), scenes of torture dominated television in the period the authors were writing about, and may have had a profound influence on the persuasive power of the scenario.

7 Johnson rejects the scenario outright as an unrealistic “Hollywood drama” (26). Bagaric and Clarke’s take on it is somewhat more complicated. First, Bagaric and Clarke ask the rhetorical question: “Will a real-life situation actually occur where the only option is between torturing a wrongdoer or saving an innocent person?” They initially answer, “Perhaps not.” Then, however, they offer the real-life example of Douglas Wood, a 63-year-old engineer taken hostage in Iraq and held for six weeks until he was rescued by U.S. and Iraqi soldiers.

8 At first glance, they seem to offer this example to refute Johnson’s claim that such scenarios don’t occur in real life. However, a news report about the rescue of Wood published in the *Age*, where Bagaric and Clarke’s essay was also published, says that the soldiers “effectively ‘stumbled across Wood’ during a ‘routine’ raid on a suspected insurgent weapons cache” (“Firefight”). The report’s wording suggests that the Wood example does not really fit the Hollywood-style hostage scenario; Wood’s rescuers appear to have acted on information they got from ordinary informants rather than through torture.

9 By using this example, rather than one that fits the ticking time bomb scenario, Bagaric and Clarke seem to be conceding that such scenarios are exceedingly rare. Indeed, they appear to prepare the way for a potentially productive common-ground-building discussion when they conclude: “Even if a real-life situation where torture is justifiable does not eventuate, the above argument in favour of torture in limited circumstances needs to be made because it will encourage the community to think more carefully about moral judgments. . . .”

10 Although Bagaric and Clarke continue to take a situational view of torture (considering the morality of an act in light of its particular situation) and Johnson does not waver in seeing torture in terms of moral absolutes, a discussion about real-world applications of their principles could allow them to find common ground. Because they all value the preservation of life, they already have a basis for mutual respect and might be motivated to work together to find ways of acting for the greatest good — to “lay claim to a higher morality” (26).

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### LEARN ABOUT MAE'S WRITING PROCESS

To see how Melissa Mae developed her essay, take a look at the Writer at Work section on pages 232–241, which shows her progress in moving from close analysis of each position essay to a draft of her finished paper.

### MAKING CONNECTIONS: HOLLYWOOD AND THE TICKING TIME BOMB SCENARIO

The post-9/11 television series *24* brought the ticking time bomb scenario into our homes on a weekly basis. Other popular programs such as *Lost* and *Law & Order*, as well as many films, also sometimes show scenes of torture.

In her essay, Mae includes a bar graph she found on the Web site *Human Rights First* to show how prevalent scenes of torture became during the period her authors are writing about, and she asks us to think about whether the hostage and ticking time bomb scenarios so often used to justify torture are Hollywood dramas or real-life situations.

With two or three other students, discuss your views about torture. Begin by sharing memories of films and television shows you have seen where someone is tortured. Was the torturer the “good guy” or the “bad guy”? Was torture quick and effective? Was it depicted as justifiable, even patriotic?

Then, consider the following questions:

- Have your views on torture been influenced by the way torture has been portrayed on television and in film?
- How do you think torture should be portrayed, if at all?

### ANALYZING WRITING STRATEGIES



Basic Features

#### ◆ An Informative Introduction to the Issue and Opposing Positions

Common ground essays typically situate the issue in time, as Jeremy Bernard does when he locates the end of the “age of innocence” and the beginning of “the Steroid Era” (par. 1) in the 1990s and suggests that it came to a head in 2006 with the *Mitchell Report*. To engage readers’ interest, Bernard drops the names of star players who were involved in the steroid scandals — sluggers Mark McGwire and Barry Bonds, award-winning pitcher Roger Clemens, and Alex Rodriguez, considered one of the best all-around players. Baseball fans — indeed anyone interested in sports celebrities — would be likely to recognize these names and want to know more about the controversy surrounding them.

To analyze how Melissa Mae introduces her issue and opposing positions, try the following:

- Reread paragraph 1 to see how Mae situates the issue in time and tries to engage readers’ interest. Why do you think she chose to mention Abu Ghraib? What, if anything, do you know about it?
- Look also at how she introduces the two essays she analyzes. Underline the information she gives about each author in paragraph 2, and then skim paragraph 5 where she refers again to their backgrounds. How does Mae use the information to

introduce the authors and also to help readers understand their different points of view?

- Write a few sentences explaining how Mae introduces the issue and the opposing positions.

### ◆ A Probing Analysis

In analyzing an argument and attempting to find common ground, writers usually focus on just a few important areas of disagreement. Doing so gives them the space to unpack the arguments and identify underlying values and interests that could be used to bridge differences.

In his essay about the baseball steroid controversy, for example, Jeremy Bernard addresses two points of disagreement: health risks and fairness. He discovers that Walker and Mitchell basically agree on the risk of adverse side effects from using performance-enhancing drugs like steroids. But his analysis leads Bernard to pinpoint where they disagree, namely on the ethical question of responsibility: Should professional athletes make their own decisions about health risks, or should Major League Baseball decide for them? Clarifying the argument in this way may not resolve the disagreement, but it reframes the issue in a way that could lead to fruitful discussion.

To examine Mae's analysis of the argument about torture, try the following:

- Reread paragraphs 4–9 to think about how Mae analyzes the authors' arguments on the morality of torture and tries to see their disagreement in a constructive way. Focus especially on their different views of the hostage and time bomb scenarios.
- Write a couple of sentences explaining how Mae tries to reframe their debate and find a way to bridge their differences. Add another sentence or two assessing how effective you think Mae's efforts are likely to be for most readers.

### ◆ A Fair and Impartial Presentation

Writers try to adopt an impartial stance when analyzing opposing arguments. One method Bernard uses is to quote an authority to critique one of the authors he is analyzing, rather than doing so directly himself. We can see this strategy in paragraphs 9 and 10 of Bernard's essay, where Bernard quotes Dr. Norman Fost to provide a critical perspective on Mitchell's argument about unfairness: "There is no coherent argument to support the view that enhancing performance is unfair . . ." (par. 9). Bernard makes it clear that Walker also cites Fost, but Bernard found and quoted from Fost's original article in the American Medical Association's *Virtual Mentor*, a highly respected publication.

To examine whether Mae is fair and unbiased, try the following:

- Reread paragraphs 6–8, where Mae presents information on the Douglas Wood hostage situation. As you read, consider whether Mae's use of the

Wood example is comparable to Bernard's strategy. How does the Wood example help Mae remain impartial as she questions Bagaric and Clarke's argument?

- Write a sentence or two explaining how Mae tries to appear fair and impartial, and also assess how effective her strategy seems to be.

### ◆ A Readable Plan

Writers of common ground essays usually try to make the analysis clear and direct. Fairly early in the essay, they typically state the essay's thesis about the possibility of finding common ground and forecast the main points of disagreement and agreement. Bernard, for example, states his plan explicitly at the end of paragraph 3 when he explains: "I will focus here on two of Mitchell's main reasons supporting the ban on PEDs: the health risk and fairness." He organizes his essay around these two topics, introducing each of them with a heading in the form of a rhetorical question that he goes on to answer in some detail.

To analyze how Mae makes the plan of her essay visible to readers, try the following:

- Reread paragraph 2 and highlight her thesis statement. What are the two topics Mae plans to discuss in the essay?
- Skim the rest of the essay and note in the margin where these two topics are brought up and whether they are used in topic sentences that introduce the paragraph or set of paragraphs that follow.
- Write a few sentences assessing how well Mae orients readers and keeps them on track.

### ANALYZING VISUALS

#### GRAPHICAL PRESENTATION OF DATA

Write a few sentences on Mae's use of the graph in her essay. Before you start, consider the following questions:

- When you initially read the essay, did you stop to study the visual, just glance at it in passing, go back to it after finishing the essay, or not look at it at all?
- What element(s) of Mae's subject does it illuminate?
- How does Mae's description of the graph in paragraph 6 help you read it? Is the information the graph conveys intelligible? If not, how might it have been improved?
- Is the information the graph conveys easier to understand in graph form, or could it have been conveyed just as well using words only?
- Do you think Mae's essay would have benefited from the addition of other visual elements? If so, what kind(s)?

Consider writing about an aspect of the torture debate or about a different political issue, such as what, if anything, should be done about the Patriot Act, which expanded the ability of the government to monitor communications and medical and financial records without a court order. Other issues might relate to the government's handling of the economy, foreign affairs, health care, and so on.

CONSIDERING  
TOPICS FOR YOUR  
OWN ESSAY

ATHENA ALEXANDER is a sociology major who hopes to become a doctor. When she began work on this essay in her composition class, she did not know anything about the No Child Left Behind Act (NCLB). She wrote the essay in part to understand what it was all about. On the advice of her instructor, she chose two essays — one by Rod Paige, and one by Reg Weaver — that took sharply different positions on the debate. Before analyzing the essays, however, she did some background research, beginning with the Web site of the U.S. Department of Education. From there, she discovered that to find out what happens to schools that do not show improvement under the requirements of the act, she would have to search the sites of individual state departments of education, which is how she happened to find and quote from the Georgia state Web site. As you read the opening paragraphs of Alexander's essay, notice how she uses the information she got from these two sources.

The two position essays by Rod Paige and Reg Weaver that Alexander uses as the basis of her essay are available on this book's companion Web site ([bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide)).

No Child Left Behind: "Historic Initiative" or "Just an Empty Promise"?

Athena Alexander

1 In 2001, an overwhelming bipartisan majority in Congress approved President George W. Bush's No Child Left Behind Act (NCLB), designed to improve the quality of education in American schools. Under this law, every state must test public school students in grades 3–8 annually to assess their progress in reading and math. The NCLB also sets "adequate yearly progress" (AYP) goals for schools to meet. According to the Executive Summary of the act posted on *ED.gov*, the U.S. Department of Education's Web site, "schools that fail to make adequate yearly progress toward statewide proficiency goals will, over time, be subject to improvement, corrective action, and restructuring measures aimed at getting them back on course to meet State standards" (United States).

2 Each state determines how its own failing schools will be handled. For example, according to the Georgia State Department of Education's Web site, low performing Georgia schools must meet AYP goals within five years. After a school has fallen below the AYP target for two years, school administrators are "required to seek outside expert assistance." This is also the point at which parents are permitted to transfer their



children to a higher-performing school; if they choose a private school, they are given vouchers to pay the tuition. If the problem persists after three years, additional actions may be taken. For example, students may be given additional tutoring. After four or five years, more severe measures may go into effect, such as replacing teachers, administrators, or both; putting the failing school under “private management”; or even permanently closing it (Georgia).

As the effects of the law began to be felt at the state and local level, the debate about it intensified. One particular pair of opposing essays appeared in *Insight on the News* in 2004. In “Testing Has Raised Students’ Expectations, and Progress in Learning Is Evident Nationwide,” Rod Paige, the secretary of education under President George W. Bush from 2001 to 2005, defends NCLB, claiming that major improvements in schools have resulted in the short time the law has been in effect. Reg Weaver, president of the National Education Association, a union representing teachers, argues the opposite position in his essay, “NCLB’s Excessive Reliance on Testing Is Unrealistic, Arbitrary and Frequently Unfair.” Weaver calls for changes in the law, arguing that in its present form, NCLB will destroy the public education system in America. Paige and Weaver differ on the role standardized testing should play in assessing students’ progress and the NCLB’s effectiveness. Ultimately, however, their disagreement is political — with Paige accusing NCLB critics of being cynical and Weaver accusing its supporters of having a hidden agenda.

Whether testing should be the only, or even the most important, diagnostic tool for assessing the rate of learning is a central topic of debate between Paige and Weaver. Paige defends the NCLB’s reliance on standardized testing, claiming that testing is an integral “part of life.” He compares testing of students to tests that certify drivers, pilots, doctors, and teachers. Furthermore, he argues that testing is essential because it indicates “whether the system is performing as it should.”

Weaver, however, disagrees with Paige on the role standardized testing should play in assessment. He argues that the NCLB should not rely on “only one type of assessment” because “good teachers” know that “judgments about what has been learned” should be based on “a variety of assessments.” He also points out that teachers complain about the reliance on standardized testing because it makes preparing students for the test the focus of coursework, “push[ing] more and more of the important things that prepare us for life . . . off the curriculum plate.” He reports that the majority of teachers believe that “teaching to the test ‘inevitably stifles real teaching and learning.’” In addition, Weaver questions the “one-size-fits-all approach” standardized testing imposes on special needs students, who he says require more “complex and multifaceted assessment”

procedures. Therefore, unlike Paige, who defends standardized tests as “scientifically based research techniques,” Weaver calls for a change in the NCLB’s method of assessing adequate yearly progress.

6 Although Weaver and Paige both agree that, as Weaver puts it, the “focus should be on helping the individual student,” they appear to have different information about whether NCLB, in fact, is being used for this purpose. Weaver apparently believes the tests are used only to compare schools and not to diagnose individual students’ problems. He asserts: “Measuring this year’s fourth-graders against next year’s fourth-graders tells us little that we need to know about the improvement of individual students.” Paige, on the other hand, confidently affirms that the tests identify “problems” individual students have “so that they can be fixed.” To support his claim that the law is helping individual students, Paige points to the example of Cheltenham, Pennsylvania, “where the district provides schools with specific information about each student’s abilities and weaknesses in specific academic areas” that teachers use to develop their lesson plans for the coming school year. Another example Paige cites shows that school administrators are using grant money to invest in computerized assessment programs like “Yearly Progress Pro” to track individual student progress. Whether such grants are funded by NCLB or in some other way is not clear from Paige’s essay. But what is clear from both Paige and Weaver’s essays is that they both agree the goal of any assessment should be to help individual students receive the teaching they need to improve.

7 Indeed, the need to improve America’s educational system is unquestioned by both writers. But whereas Paige argues passionately that the NCLB is not only necessary but effective, Weaver contends that it fails to deliver on its promise. Paige makes a strong economic argument for the need to improve high school education so that students are prepared for the “fastest-growing occupations in the United States” and can compete in the new “global economy.” To support his argument, Paige cites statistics from the National Assessment of Educational Progress and quotes from authorities like Federal Reserve Chairman Alan Greenspan. He also refers to a research study that claims the “vast majority of employers sadly expect that a high-school graduate will not write clearly or have even fair math skills.” Perhaps most important, Paige argues that “the status quo result of a decades-old education system before the NCLB” results in a disparity in student performance along race and ethnic lines: “only one in six African Americans and one in five Hispanics are proficient in reading by the time they are high-school seniors.” These are impressive and depressing statistics. But, according to studies Paige cites, the NCLB is making progress in reversing this trend. For example, he explains that the “Beating the Odds IV report showed that since NCLB has been imple-

mented, public-school students across the country” — and especially those in large metropolitan school systems — “have shown a marked improvement in reading.”

Weaver also cites authorities, studies, and statistics, but his purpose is to question the NCLB’s effectiveness in solving the problem. He focuses his criticism on the concept of “adequate yearly progress” that is used by the NCLB to measure progress. Weaver claims that the AYP sets an unrealistic standard for schools. He bases this argument on economic scenarios or projections, together with preliminary results after two years under the NCLB Act. As he says, “the prediction became reality last summer when nearly 25 percent of schools in Connecticut were identified as having failed to make AYP.” Projections also estimate that at the end of twelve years, 93 percent (744 of 802) of Connecticut’s elementary and middle schools will have failed to reach AYP targets. Weaver’s point is that if Connecticut, “a state that is regarded nationally as a high performer[,] is not adequate to meet the statistical demands of this law,” there must be something wrong with the AYP standard.

The problem, according to Weaver, is that the “current formula for AYP fails to consider the difference between where you start and how quickly you must reach the goal.” He therefore calls the formula “irresponsible.” He criticizes the NCLB’s grouping of English-language learners and special-education students with the general student population, and its requirement that all students progress at the same rate. Moreover, he asserts that using standardized tests to determine progress is “totally inappropriate and emotionally injurious” for some of these groups of students.

Paige refutes Weaver’s argument by labeling critics of the NCLB “cynics” and claiming that they exercise what President Bush has called the “soft bigotry of low expectations.” He argues that “pessimism” sets up a self-fulfilling prophecy, in which the expectation a teacher has of a student affects the performance of that student. Paige adamantly insists that such “excuses must stop” and that every child should be treated equally. He reminds readers of NCLB’s theme: “If you challenge students, they will rise to the occasion.” Paige is making a political argument here, implying that if you oppose the law, you do not cherish the American ideal of equal opportunity for all, or you are prejudiced in your assumptions about the abilities of students.

Weaver, in turn, counters Paige’s political argument with a political argument of his own. He suggests that the NCLB Act has a hidden agenda to privatize education in America by replacing public schools with private schools funded by government vouchers. He presents this argument gingerly through rhetorical questions: “Is this all the law of unintended consequences? Or is there, as many believe, an insidious intent to discredit public education, paving the way for a breakup of the current

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system — an opening of the door to a boutique system with increased privatization and government vouchers?” Weaver contends that if the goal is really to improve “student achievement,” then before encouraging parents to abandon a school that is failing according to NCLB measures, “shouldn’t we offer tutoring to struggling students first?” But vouchers are offered, in Georgia at least, only after two years of failing to meet AYP targets, and tutoring is not offered until the third year. Weaver seems to think that by making AYP goals so hard to reach, the NCLB will frighten parents into taking their children out of public schools and with the help of vouchers put them into private schools that are likely to have higher scores because they have more selective enrollments and are not required to take in English-language learners, disabled students, and others who bring down the school average. Private schools, in any case, are not held to NCLB requirements.

12 If you look up school vouchers on the Internet, you see that the debate over them has been going on for years. Many of the arguments that were made about vouchers in the past are echoed in the arguments about the No Child Left Behind Act. Wikipedia, for example, points out that whereas supporters of vouchers, like Paige, argue they “promote competition among schools of all types,” opponents, like Weaver, contend that the funding for vouchers would compete with the funding for public education. Similarly, although proponents of vouchers argue that the poor would benefit by being able to “attend private schools that were previously inaccessible,” opponents fear that “vouchers are tantamount to providing taxpayer subsidized white flight from urban public schools, whose student bodies are predominantly non-white in most large cities” (“Education Voucher”). Readers who are aware of the history of this debate over school vouchers cannot fail to see how these same arguments support the opposing positions Weaver and Paige take on No Child Left Behind.

13 Even though Paige and Weaver are part of a long history of debate on how to improve American education, they do agree with the sentiment behind the slogan “no child left behind.” Both support “high standards and accountability.” But they disagree on the means to achieve these goals. For Weaver, adequate yearly progress as measured by standardized tests — the backbone of the law — is a stumbling block rather than a building block to quality education for all. He recommends significant changes in the law that he believes would make it more effective and fairer. Paige, on the other hand, characterizes Weaver’s recommendations as “complaints of the unwilling,” arguing that instead of changing the NCLB Act, we should give it time and “work to make the law successful.” Time will tell whether No Child Left Behind is viewed as an “historic initiative,” as Paige predicts, or as “just an empty promise,” as Weaver warns.

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### MAKING CONNECTIONS: IMPROVING SCHOOLS

Everyone seems to agree that schools in the United States need improvement. Whether you attended public or private schools or both — and even if you were schooled at home or in another country — you have had extensive experience in schooling and could be considered an expert.

In her essay, Athena Alexander indicates that in passing the No Child Left Behind Act, Congress thought that the biggest problem with schooling was the quality of education, particularly in math, reading, and writing. With two or three classmates, discuss what you consider the most pressing problem in the public school system, based on your experience and/or observation. Begin by taking turns briefly saying what you think needs to be solved. Then, together discuss the following questions:

- Does your group agree on what the most pressing problem is?
- If the group disagrees, what is the basis of your disagreement — experience, values, ideals, goals, or something else?
- If you agree, why do you agree? Is it because you share the same experience, values, ideals, goals, or something else?

### ANALYZING WRITING STRATEGIES



Basic Features

#### ◆ An Informative Introduction to the Issue and Opposing Positions

If an issue is current and controversial, there is a good chance that readers will already be familiar with it and will not need much of an introduction. Nevertheless, writers of common ground essays tend to explain the issue anyway. They do so because they want to reframe the issue for readers in a way that prepares them for the analysis to come.



For example, Jeremy Bernard introduces the argument about banning steroids in baseball by reminding readers of the nostalgia surrounding baseball and its association with a more innocent, perhaps simpler period in American history. This association of baseball, America, and innocence sets the stage for the debate about ethics. It even makes the metaphor of a level playing field seem to be literally about baseball.

To analyze how Alexander frames her issue, try the following:

- Reread paragraphs 1–2 and highlight the information Alexander provides. Focus especially on how she explains the criterion of “adequate yearly progress” (AYP) and how she uses the example of Georgia.
- Then reread paragraphs 8–10 to see how Alexander’s analysis of the argument between Weaver and Paige depends on her earlier explanation of AYP.
- Write a few sentences about Alexander’s way of framing the issue around the concept of AYP. What does she tell readers in the opening paragraphs that prepares them for her later analysis of the argument about AYP?

### ◆ A Probing Analysis

Although common ground essays seek ways to bridge differences, sometimes the analysis does nothing more than reveal how deep the disagreement is because it is based on fundamental values and beliefs, political ideology, or moral principles. For example, in her essay on torture, Melissa Mae discovered that the authors of the two essays she chose to analyze have very different philosophical or ideological perspectives on torture. Johnson thinks in terms of moral absolutes: Torture is simply wrong, always, in every situation. Bagaric and Clarke, on the other hand, advocate situational ethics: They think that the situation or context determines whether torture is right or wrong. These ways of thinking about morality appear to be irreconcilable.

To examine Alexander’s analysis, try the following:

- Reread paragraphs 11 and 12, where Alexander analyzes Weaver’s political argument about school vouchers. What ideologies and/or value systems seem to underlie opposing positions on vouchers?
- Notice that in addition to analyzing Weaver’s essay, Alexander also looked up background information on school vouchers in Wikipedia. Many people think Wikipedia is not a reliable source because it is not written by experts and can easily be changed by readers with a political agenda of their own. As you examine this part of Alexander’s analysis, consider whether she uses the information she gleaned from Wikipedia responsibly, and whether she should have used it at all.
- Write a couple of sentences explaining what you learned from Alexander’s analysis of Weaver’s argument about school vouchers. Add another sentence or two evaluating Alexander’s use of Wikipedia as a source.

### ◆ A Fair and Impartial Presentation

To establish themselves as fair and impartial in their analysis, writers of common ground essays try to use neutral language in describing the people whose arguments they are discussing.

All the writers in this chapter describe the authors respectfully, with a few simple words identifying their professions. Melissa Mae, for example, describes Mirko Bagaric as a law professor, Julie Clarke as a law lecturer, and Kermit D. Johnson as “a retired Army Chaplain” (par. 2). Similarly, Alexander describes Rod Paige as “the secretary of education under President George W. Bush from 2001 to 2005” and Reg Weaver as the “president of the National Education Association, a union representing teachers” (par. 3). Alexander’s descriptions establish the authors’ credentials without evaluation or comment. But she does let readers know something about the authors’ political affiliations, information that is significant because of the politics surrounding the No Child Left Behind Act. Paige, as she explains, wrote his essay defending the No Child Left Behind Act when he was the secretary of education; Weaver wrote his when he was president of the teachers’ union. As spokesmen for these different constituencies, Paige and Weaver represent two important political points of view.

Writers also try to use descriptive but unbiased language when they introduce quotations. For example, Jeremy Bernard uses verbs like *concludes*, *argues*, *cites*, *expresses*, and *assumes*. Melissa Mae uses *writes*, *thinks*, *asserts*, *argues*, and *labels*. With these descriptive verbs, Bernard and Mae do not reveal their attitude toward the authors or what they wrote. They express no judgments, but act as impartial reporters.

To assess Alexander’s fairness and impartiality, try the following:

- Reread paragraphs 4–6 and highlight the verbs Alexander uses to describe Weaver’s and Paige’s writing. Consider whether Alexander’s word choices reveal her attitude or judgment and whether she comes across as fair and unbiased.
- Write a sentence or two explaining what you learned from analyzing Alexander’s word choices.

### ◆ A Readable Plan

To help readers track the points of agreement and disagreement, writers often use **comparative transitions**, words and phrases that identify similarities or differences in the texts being analyzed. Transitions indicating similarity include *both*, *like*, *similarly*, and *in the same way*. Transitions to indicate difference include *unlike*, *however*, *although*, and *alternatively*. Here are a few examples from Jeremy Bernard and Melissa Mae’s essays:

Mitchell, on the other hand, . . . (Bernard, par. 11)

Whereas Bagaric and Clarke think saving lives justifies torture, however, Johnson believes renouncing torture saves lives. (Mae, par. 3)

Bagaric and Clarke, in their turn, . . . (Mae, par. 4)

Bagaric and Clarke's take on it is somewhat more complicated. (Mae, par. 7)

Note that in these examples, Bernard and Mae use the authors' last names as a shortcut to help readers keep track of who wrote what. Occasionally, however, a writer will use pronouns, as in this example:

They agree that the medical evidence is inconclusive. . . . But they disagree on . . . (Bernard, par. 4).

Occasionally, writers also use labels (highlighted) to identify different positions:

Although Bagaric and Clarke continue to take a **situational view** of torture (considering the morality of an act in light of its particular situation) and Johnson does not waver in seeing torture in terms of **moral absolutes**. . . . (Mae, par. 10)

Using labels like these can be helpful if the writer goes on to discuss the different positions. (But you can see that even in this example, Mae is careful to use the authors' names so as not to confuse readers.)

In addition to comparative transitions, writers often use **transitional words and phrases** to introduce the following:

- an additional item: *as well as, in addition to, first . . . second*
- an illustration: *for example, specifically*
- a restatement or clarification: *that is, in other words, to put it differently*
- a cause or result: *because, therefore, consequently, so*
- a conclusion or summary: *in conclusion, clearly, thus*

To analyze Alexander's use of transitional words and phrases to make her essay readable, try the following:

- Reread paragraphs 5 and 6 and highlight the transitions Alexander uses. For each transition you highlight, note its function.
- Write a sentence or two explaining what you have learned about Alexander's use of transitions in these paragraphs.

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You might be interested in writing about other issues related to NCLB — for example, the quality of teaching in the public schools, the value of standardized testing, private versus public schooling, or school vouchers. What basis for common ground might bridge differences on one of these topics? The Collaborative Activity on pages 187–188 also raises a number of school issues you might consider: sororities and fraternities, college athletics, community service, and the teaching of evolution. Your group discussion about one of these issues could become the basis for your common ground essay.

### CONSIDERING TOPICS FOR YOUR OWN ESSAY

## Beyond the Traditional Essay: Finding Common Ground

The search for common ground is in evidence in many areas of our culture. Professional mediators are in constant demand for a wide range of business negotiations and for resolution of conflicts ranging from the personal (as, for example, when a counselor helps a couple resolve marital difficulties) to the global (for instance, when the United Nations weighs in on an international conflict). Of course, efforts to find common ground require the prior, full expression of opposing viewpoints.

Perhaps the most familiar examples of the expression of opposing points of view come from television, where talk shows like *Washington Week*, *Real Time with Bill Maher*, and *The View* are explicitly presented as contexts for a wide-ranging discussion of current issues. Online, sites such as *bloggingheads.tv* and *Opposing Views* ([www.opposingviews.com](http://www.opposingviews.com)) offer commentary from experts with opposing perspectives on current issues. While these media projects vary in their commitment to a “fair and unbiased” presentation, most of them do exhibit the other basic features common in traditional essays that search for common ground: a moderator or host typically introduces the issue and often highlights points of similarity and difference in the views expressed by participants; the structure of the show or site and the host’s commentary provide a logical (or at least conventionally perceptible) plan.



As you work on your own project, you might want to consult some of these projects, both for factual information and for inspiration. If the format in which you are working allows for it — if, for example, you are creating a poster, Web site, or video — you should consider taking advantage of the strategies available to those working in multimedia — for example, by embedding artifacts that are relevant to the positions you are explaining. (Always remember to properly document any material you might use that was created by someone else.)

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**highlight reel**

**We're going to try to forget we heard that, Glenn.**

**In times of crisis, liberals and conservatives find common ground.**

**A few kind words for the unfairly maligned British nobility.**

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Excerpts of Bloggingheads.tv diavlogs available at

**The ticking time bomb that could demolish John McCain's re-election chances in 2010.**

**Where do bloggingheads get breaking news? From other heads, of course.**

**That's why we love you, Reihan Salam.**

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**How to dispose of those newfangled eco-friendly light bulbs: two schools of thought.**

**Pirates of yore, champions of affirmative action.**

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Against a truth commission for torture (06:29)  
America's love affair with vengeance (04:01)  
Is the financial crisis making Obama weaker or stronger? (02:49)  
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Glenn deplors the "masturbatory" news media (03:34)  
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# Guide to Writing

## The Writing Assignment

Write an essay analyzing two or more essays taking different positions on an issue. Your purpose is to analyze the essays to understand their authors' main points of disagreement and to suggest ways to build common ground on shared values, concerns, needs, and interests.

This Guide to Writing will help you apply what you have learned about how writers present an issue, analyze the positions others take on it, strive for fairness in presenting their analysis, and write a readable essay communicating their ideas. The Guide is divided into five sections with various activities in each section:

- **Invention and Research**
- **Planning and Drafting**
- **Critical Reading Guide**
- **Revising**
- **Editing and Proofreading**

The Guide to Writing is designed to support you through the writing process, from finding an issue and essays arguing different positions on it, to editing your finished essay. Your instructor may require you to follow it from beginning to end. Working through the Guide in this way will help you — as it has helped many other college students — write a thoughtful, fully developed, polished essay.

If, however, your instructor allows it, you can decide on the order in which you will do the activities in the Guide to Writing. For example, the Invention and Research section includes activities to help you choose a set of argument essays to write about, analyze them, and research the issue, among other things. Obviously, choosing essays must precede the other activities, but you may come to the Guide with essays already in mind, and you may choose to research the issue further before turning to an analysis of the essays. In fact, you may find your response to one of the invention activities expanding into a draft before you have had a chance to do any of the other activities. That is a good thing — but you should later flesh out your draft by going back to the activities you skipped and layering the new material into your draft.

The following chart will help you find answers to many of the questions you might have about planning, drafting, and revising an essay finding common ground. The page references in the Where to Look column refer to examples from the readings and activities in the Guide to Writing.

To learn about using the *Guide* e-book for invention and drafting, go to [bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide).

# Starting Points: Finding Common Ground

Basic Features

	Question	Where to Look
<b>Choosing an Issue and Opposing Arguments to Write About</b>	How do I come up with an issue to write about?	Choosing a Set of Argument Essays to Write About (p. 213) Using the Web to Find a Set of Arguments on an Issue (p. 215) Considering Topics for Your Own Essay (pp. 201, 209)
	What is my purpose in writing?	Defining Your Purpose for Your Readers (p. 220) Clarifying Your Purpose and Readers (p. 221)
<b>An Informative Introduction to the Issue and Opposing Positions</b>	How do I interest and inform readers about the issue?	Analyzing Writing Strategies (pp. 198–199, 206–207) Thinking about Your Readers (p. 217) Introducing the Issue and Opposing Positions (p. 221) Writing the Opening Sentences (pp. 224–225)
	How can I give readers an overview of the debate?	Analyzing the Essays (pp. 216–219) Researching the Issue (pp. 219–220)
<b>A Probing Analysis</b>	How do I find points of disagreement and agreement to analyze?	Annotate the Essays: Criteria for Analyzing the Essays (pp. 216–217) List Promising Points (p. 219)
	How do I analyze them?	Analyzing Writing Strategies (pp. 199–207) Analyzing the Essays (pp. 216–219) Exploring Points of Agreement and Disagreement (p. 219) Try Out an Analysis (p. 219)
<b>A Fair and Impartial Presentation</b>	How do I avoid entering the debate myself?	Analyzing Writing Strategies (pp. 119, 208)
<b>A Readable Plan</b>	How can I make my essay clear?	Analyzing Writing Strategies (pp. 200, 208–209)

## Invention and Research

The following invention activities are easy to complete and take only a few minutes. Spreading out the activities over several days will stimulate your creativity, enabling you to analyze the arguments thoughtfully and discover ways to bridge their disagreements. Remember to keep a written record of your invention work: you will need it when you draft the essay and later when you revise it.

### Choosing a Set of Argument Essays to Write About

If your instructor has not assigned one of the debates from the Appendix to this chapter or from the companion Web site for this book at [bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide), choose one that you already know about, that connects to your personal experience or interests, or that you think is especially important.

#### Getting an Overview

*Read the essays to get a basic understanding of each author's position and supporting argument.* Do not expect to understand everything on your first reading, even if you are already fairly knowledgeable about the issue and the way people typically argue about it. As you read, make notes about the following:

- points on which the authors disagree and points on which they agree
- values, ideals, interests, and concerns that seem to be important to each author
- ideas you have about how the authors might come together around shared values and ideals or common concerns, interests, and goals

#### Criteria for Choosing a Set of Arguments to Analyze:

A Checklist

The set of argument essays should

- address the same controversial issue, which must be arguable — that is, a matter of opinion on which there is no absolute proof or authority on which everyone can rely;
- take different positions on the issue;
- offer thoughtful arguments supporting the position;
- anticipate and respond to opposing arguments;
- be interesting to you and worth the time and effort you will need to invest.

#### Using the Web to Find or Explore a Set of Arguments on an Issue

Your instructor may allow or even require you to find your own argument essays to analyze, rather than assigning those in the Appendix or on the companion

Web site, in which case the Internet will likely prove an important resource. However, even if you are working from essays we recommend, exploring the Internet can enrich your understanding of the issue. Moreover, the Web provides a rich repository of information, including photographs and music, which you might be able to use to create a richly detailed, multimedia text for your readers.

Here are some suggestions:

- Search Web sites such as ProCon.org, publicagenda.org, cqresearcher.org, or usa.gov for information and arguments.
- Do a Google search including keywords such as *current debates*, *controversial issues*, *arguments* or *debate* plus your issue.

Download or copy any information or quotations you might be able to use as well as any visuals you might include in your essay, being sure to get the information necessary to cite any online sources. (See p. 000 for the MLA citation format for electronic sources.)

### Testing Your Choice

If you have the option of choosing a set of argument essays to analyze, pause now to decide whether you want to stay with the essays you have chosen or consider choosing different essays.

Consider these questions:

- Does the issue continue to engage your interest?
- Do you have a basic understanding of the issue and the arguments made in these essays?
- Have you found points on which the authors disagree and points on which they agree or could potentially agree?
- Have you begun to understand the motivating factors such as values, ideals, interests, and concerns in each author's argument?

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Get together with two or three other students and take turns discussing your choice.

**Presenters:** Begin by identifying the issue and briefly summarizing the position argued in each of the essays you are analyzing.

**Listeners:** Tell the presenter what seem to be the motivating factors such as the values, concerns, or interests at the heart of the debate and where you see the possibility of finding common ground.

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**A Collaborative Activity:**  
Testing Your Choice

## ◆ Analyzing the Essays

To understand the points of disagreement and to find common ground in the argument essays you have chosen, you need to read them closely and critically. The following activities will help you find and annotate the essays' key features and motivating factors and keep track of what you find by filling in a chart. This process of annotating and charting will be helpful as you plan, organize, and draft your essay. Keep in mind that most writers need to reread all or parts of the essays several times to get all they can out of their analysis.

### Annotate the Essays

Either on paper or electronically, annotate the essays you have chosen, identifying and labeling the key features of each essay, along with the author's motivating factors, listed in the "Criteria for Analyzing the Essays" box below. (Do not feel you must annotate every item on these two lists — some might not be relevant, or might not be present in a particular essay.)

#### CRITERIA FOR ANALYZING THE ESSAYS

##### Features of the Argument

- **ISSUE.** How does the writer define or frame the issue?
- **POSITION.** What is the writer's opinion (thesis statement)?
- **ARGUMENT.** What are the main reasons and kinds of evidence (facts, statistics, examples, authorities, and so on) the writer uses to support his/her position?
- **COUNTERARGUMENT.** What opposing arguments does the writer anticipate? Does the writer **concede** (agree with) or **refute** (disagree with) these arguments?

##### Motivating Factors

Factors such as the following may be stated explicitly or implied. If you find any other factor that you consider important but that is not on the list, give it a name and include it in your annotations.

- **VALUES — MORAL, ETHICAL, OR RELIGIOUS PRINCIPLES** (for example, justice, equality, the public good, "do unto others," social responsibility, stewardship of the natural environment)
- **IDEOLOGY AND IDEALS** (for example, democratic ideals — everyone is created equal and has the right to life, liberty, and the pursuit of happiness; capitalist ideals; socialist ideals; feminist ideals)
- **NEEDS AND INTERESTS** (for example, food, shelter, work, respect, privacy, choice)
- **FEARS AND CONCERNS** (for example, regarding safety, socioeconomic status, power, consequences of actions taken or not taken)

- **PRIORITIES AND AGENDAS** about what is most important or urgent (for example, whether law and order is more important than securing justice and equality; whether the right to life trumps all other concerns; whether combating global warming ought to be a principal concern of our government)
- **BINARY THINKING** (the assumption that things are “either/or” — for example, that only one of two outcomes is possible; that there can only be winners or losers in a situation; that only two positions are possible; that the world is divided into “us” against “them”)

### Fill in the Chart

Creating a chart like the one on page 218 will make it easy for you to locate points of agreement and disagreement in the essays you are analyzing:

1. At the top of the second and third columns, identify the essays you are analyzing. (If you are analyzing more than two essays, add another column.)
2. Begin by charting the argument’s key features. Add paragraph numbers directing you to the places in each essay where the key feature is evident. Add brief notes or jot down key phrases to jog your memory.
3. Chart the argument’s motivating factors, adding paragraph numbers and notes (if appropriate and helpful).
4. Chart any additional significant factors you might find, naming them appropriately.

Remember that you will not necessarily find evidence of *every* key feature or motivating factor in each essay.

### Thinking about Your Readers

Now that you have a good understanding of the argument essays you will be discussing, take a few minutes to write about your readers. The following questions will help you identify them and develop a better understanding of them:

- Who are my readers?
- What are they likely to know and think about the issue?
- How can I interest them in it — for example, by connecting it to their experience or concerns, or by citing statistics or vivid anecdotes?
- Are there specialized terms or concepts I will have to explain to them? Do the essays give me enough information to define these terms, or will I have to search out further information?

An electronic version of the blank chart is available on the companion Web site at [bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide).

To see an example of student writer Melissa Mae’s annotations chart, turn to pp. 239–240 of the *Writer at Work* section.

## My Annotations Chart

		Essay 1:	Essay 2:
<b>Features of the Argument</b>	ISSUE		
	POSITION (THESIS)		
	ARGUMENT (Main supporting reasons and evidence)		
	COUNTERARGUMENT (Refutation, concession)		
<b>Motivating Factors</b>	VALUES (Moral, ethical, religious)		
	IDEOLOGY AND IDEALS (Cultural, legal, political)		
	NEEDS AND INTERESTS		
	FEARS AND CONCERNS		
	PRIORITIES AND AGENDAS		
	BINARY THINKING		
<b>Other Factors</b>			



## ◆ Exploring Points of Agreement and Disagreement

These activities will help you find points of agreement and disagreement in the essays and try out your analysis on one or two of them. As you write about the points, you may find you are actually writing parts of a rough draft. Do not censor yourself, but go ahead and see where your exploratory writing leads you.

### List Promising Points

*Make a list of promising points of agreement and disagreement in the essays you are analyzing.* For your analysis, you probably will not need to discuss more than two or three interesting points because you will need to examine them in some detail. Nevertheless, generating a substantial list of points now will give you the luxury of choice.

Generating a substantial list may also lead you to discover less obvious potential points of agreement that will help your readers see the issue in a new way. The most effective analyses often go beyond the obvious, finding common ground where most people would imagine agreement is impossible.

You might begin your list by reviewing the notes you wrote for the Getting an Overview activity (p. 213). Also, review your Annotations Chart. Look for places where the same reasons, evidence, or motivational factors are used in both essays. For example, you may find, as Melissa Mae did, that the essays use a similar scenario to argue different positions or that they both make a moral argument. Or you may find, as Jeremy Bernard did, that both writers are concerned about fairness.

### Try Out an Analysis

*Choose a point of agreement or disagreement that looks promising, and write a page analyzing it.* If the point appears to be one on which the writers disagree, consider whether the disagreement when examined might reveal a potential shared value, concern, or interest. If the point is one on which the writers already agree, think about the significance of the agreement and whether it could be extended to include other points as well.

You will probably need to go back into both essays and reread the relevant paragraphs. As you do, consider the following:

- how the key feature or motivating factor fits into the essay as a whole
- how it is used to advance the argument
- whether it is central or peripheral
- whether the writers use it in similar or different ways
- whether the writers use comparable words, examples, and details
- whether there are words, phrases, or sentences you could quote (and what you would say about the quotes you use)

## Researching the Issue

It may help to gather some background information about the issue and the authors. Researching the history of the issue may help you introduce it in a way that captures your readers' interest. As you try out your analysis and draft other parts of the essay,

you may also discover that you have questions that can be answered with library or Internet research. For example, Athena Alexander noticed that both writers referred to “vouchers,” a word she did not understand. She Googled the word and found information that helped her understand the central role vouchers play in the politics of the argument on reforming public education.

Consider beginning research in your college library, where a librarian can give you advice about the online catalog and databases. Also consult Chapters 23 and 24 for help finding and citing sources.

### Designing Your Document

Think about whether your readers might benefit from design features such as headings or numbered or bulleted lists or from visuals such as drawings, graphs, tables, or photographs. Earlier in the chapter, for example, Jeremy Bernard uses headings to introduce his two main points and Melissa Mae displays a graph to illustrate an observation brought up by one of the authors she is writing about. You might also look back at the scenario on page 185 describing a proposal for “smart growth” in a formerly rural area in Washington State, and then read the Thinking about Document Design on page 228 to see how this proposal was presented at a conference.

For more information on document design, see Chapter 21.

### Defining Your Purpose for Your Readers

*Write a few sentences defining your purpose.* Recall that in an earlier invention activity you identified your readers and considered what they know and think about the issue you are analyzing. Given these readers, try now to define your purpose by considering the following questions:

- How can I interest my readers?
- If they are likely to have their own opinions about the issue, how much resistance should I expect they will have to my analysis of the points of disagreement?
- How can I make my ideas about the potential for common ground intriguing for my readers?

### Formulating a Tentative Thesis Statement

*Write one or more sentences that could serve as a thesis statement for your essay.* These sentences from the end of paragraph 3 in Athena Alexander’s essay assert her thesis:

Paige and Weaver differ on the role standardized testing should play in assessing students’ progress and the NCLB’s effectiveness. Ultimately, however, their disagreement is political — with Paige accusing NCLB critics of being cynical and Weaver accusing its supporters of having a hidden agenda.

As you write your own tentative thesis statement, think about how you could help readers see the important ways the writers disagree and also possibly on what basis they might be able to agree. Although you may want to revise your thesis statement as you draft your essay, trying to state it now will give you focus and direction as you plan and draft your essay.

## Planning and Drafting

The following guidelines will help you get the most out of your invention work, determine specific goals for your essay, and write a promising first draft.

### Refining Your Purpose and Setting Goals

Successful writers are always looking beyond the next sentence to their larger goals for the whole essay. Indeed, that next sentence is easier to write if you keep larger goals in mind. The following questions can help you set these goals. Consider each one now, and then return to them as necessary while you write.

#### Clarifying Your Purpose and Readers

- Who are my readers, and what can I realistically hope to accomplish by analyzing this issue?
- Should I assume my readers may not understand the points on which people disagree?
- Should I assume they have not considered seriously points on which people may agree?
- Can I inspire readers to think critically about their own position on the issue by helping them understand some of the motivating factors that could be used as common ground?
- How can I gain readers' confidence? Can I keep my own views to myself and present the opposing positions in a fair and balanced way, as all of the writers in this chapter try to do?

#### Introducing the Issue and Opposing Positions

- Should I place the issue in a historical context and indicate also that the issue is still unresolved, as all of the writers in this chapter try to do?
- Should I quote famous people readers may have heard of to help establish the issue's importance, as Bernard does?
- Should I try to clarify the issue by giving concrete examples, as Bernard and Mae do, or by defining terms, as Bernard and Alexander do?
- Should I introduce the authors of the opposing positions by name and also give their credentials, as all the writers do?

#### Presenting Your Analysis

- Can I help readers understand what the significant points of disagreement and potential or actual points of agreement are, as all the writers try to do?
- Can I suggest that a point of disagreement may actually be based on shared values, as Mae does when she focuses on the importance of saving lives and Bernard does when he discusses fairness?

- Should I call attention to common needs and concerns, as Alexander does when she notes that both writers want to improve education?
- Should I mark where the writers are motivated by different political agendas, as Alexander does when she discusses privatizing education through school vouchers?
- Can I point to places where the writers rely on similar scenarios, as Mae does, or other kinds of support, as Bernard and Alexander do?

### Striving for Fairness

- Can I avoid discussing my own view of the issue?
- Should I try to give roughly equal space to each position?
- Should I quote others rather than speak in my own voice?

### Making Your Plan Readable

- Should I forecast my main points early on, as all three writers do?
- Should I use the authors' names and repeat key words to help readers follow my analysis?
- Should I use comparative transitions to make it easy to see when I am comparing and contrasting the different arguments?

### The Ending

- Should I end by summarizing the major differences, as Alexander does?
- Should I remind readers of the common ground that exists between the different positions, as all the writers do?
- Should I discuss the possibilities for the future, as all the writers do?

## Outlining Your Draft

The goals that you have set should help you draft your essay, but first you might want to make a quick scratch outline of the points of agreement and disagreement between the authors that you expect to focus on. Your Annotations Chart plus the list you made under Exploring Points of Agreement and Disagreement should be particularly helpful. Use your outline to guide your drafting, but do not feel tied to it.

Here is an outline of Jeremy Bernard's essay. Remember that he divides his essay into two points — the health risk and fairness of using steroids — and under each point, he explains the ways in which the writers agree and disagree.

#### *Introduction*

*From age of innocence to steroids era*

*Issue: Should PEDs be banned by MLB?*

*Yes — George Mitchell, the MLB-sponsored Mitchell Report*

*No — Eric Walker's independent Web site, "Steroids, Other 'Drugs,' and Baseball"*

*Point 1. Health Risk: Should PEDs be banned because their health risk is significant?*

*Agreement*

*Medical evidence inconclusive*

*Risk of side effects exists*

*Risk to adolescents particularly serious*

*Disagreement*

*Risk to adults is likely grave (Mitchell) / likely not grave (Walker)*

*Adults should be prohibited from undergoing risk (Mitchell) / should be allowed to choose (Walker)*

*Point 2. Fairness/Level Playing Field: Should PEDs be banned because players who take them have an unfair advantage?*

*Agreement*

*Use of PEDs gives athletes an advantage*

*Unequal access is unfair, not a level playing field*

*Disagreement*

*Whose responsibility? MLB should set rules (Mitchell) / let athletes decide what's best for themselves (Walker)*

*The distinction between "natural" and "unnatural" advantages is clear and should be maintained (Mitchell) / the distinction is arbitrarily determined and needs rethinking (Walker)*

*Conclusion*

*Possibility of common ground based on shared love of baseball*

And here is an outline of the points of agreement and disagreement in the two essays Melissa Mae addresses in her analysis:

*Introduction*

*History: Abu Ghraib—present*

*Issue: Should the U.S. ever torture?*

*Yes — Mirko Bagaric and Julie Clarke, "A Case for Torture"*

*No — Kermit D. Johnson, "Inhuman Behavior"*

*Points of agreement (shared values)*

*Human life is precious*

*Torture is a moral issue*

*Morality is worth arguing about*

*Points of disagreement*

*Torture can be considered self-defense and therefore moral when innocent lives will be saved through its use (Bagaric and Clarke) / Torture is never moral (Johnson)*

*Torture saves lives (Bagaric and Clarke) / Torture endangers lives (Johnson)*

*The “ticking time bomb scenario” is real, though rare (Bagaric and Clarke) /  
The scenario is a Hollywood-fueled fantasy (Johnson)*

#### *Conclusion*

*Summarize: Bagaric and Clarke’s situational ethics v. Johnson’s moral absolutes  
Common ground possible based on shared values and morality*

The introduction to the issue, positions, and debaters could take from one to four paragraphs — Bernard’s introduction takes two paragraphs and Mae’s takes three. What is important is that the introductory paragraphs not dominate your analysis. The thesis statement is usually brief — sometimes only a sentence or two — and often serves also to forecast the main points of disagreement and agreement that the essay will address. The concluding paragraph in each of these essays is brief and evolves from the preceding discussion. In neither case does the writer simply summarize the main points of agreement and disagreement that were discussed in detail, although that could be useful for readers. What they do, though, is probably more important because it focuses on underlying motivating factors and the possibility of building on this foundation of common ground.

Consider any outlining that you do before you begin drafting to be tentative. As you draft, expect that your essay will likely depart from your original outline. In fact, it may help, especially if you are drafting the essay over several hours or days, to revise your outline to correspond with the changes you are making.

## Drafting

If you have not already begun to draft your essay, this section will help by suggesting how to write your opening sentences, and how to use the sentence strategy of introducing a quotation with a colon. Drafting is not always a smooth process, so do not be afraid to leave spaces where you do not know what to put in or to write notes to yourself about what you could do next. If you get stuck while drafting, go back over your invention writing: You may be able to copy and paste some of it into your evolving draft, or you may find that you need to do some additional invention to fill in details in your draft.

### Writing the Opening Sentences

You could try out one or two different ways of beginning your essay — possibly from the list that follows — but do not agonize over the first sentences because you are likely to discover the best way to begin only after you have written a rough draft. Again, you might want to review your invention writing to see if you have already written something that would work to launch your essay.

To engage your readers’ interest from the start, consider the following opening strategies:

- an interesting and relevant quotation (like Bernard)
- an assertion of a topic’s larger cultural relevance (like Bernard)

- an assertion of an issue's increasing significance (like Mae and Alexander)
- an anecdote or personal reminiscence
- a surprising statement
- statistics
- a research study
- a scenario
- an historical analogy

### A Sentence Strategy: Introducing a Quotation with a Colon

As you draft an essay finding common ground, you will need to quote frequently from the two opposing positions. Quoting does more than prove the fairness and accuracy of your report. If you allow readers to see some of the writers' actual language, you help them understand the debaters as writers and thinkers. There are several strategies available to you for inserting writers' language directly into the sentences of your own essay.

You may use speaker tags alone — “Johnson *says*” or “Lopez *claims*” — or you may rely on the word *that*, as in “Kynard counters *that* ‘Graff greatly exaggerates the amount of damage this hurricane will cause.’” And there is another way, not necessarily better but a very useful alternative: setting up or preparing for a quotation from the beginning of a sentence that leads the reader towards a colon, with the quotation immediately following the colon. Here is an example:

He [Paige] reminds readers of NCLB's theme: “If you challenge students, they will rise to the occasion.” (Alexander, par. 10)

Alexander might have written a different sentence: “NCLB's theme is something he wants to remind you of when he says, ‘if you challenge students, they will rise to the occasion.’” The advantage to the sentence she did write is that it is more precise, and it puts the mention of a theme right next to the quotation that illustrates or defines it.

Here are three more examples:

He [Weaver] presents this argument gingerly through rhetorical questions: “Is this all the law of unintended consequences? . . .” (Alexander, par. 11)

Walt Whitman, the great nineteenth-century poet, sang its praises: “It's our game — the American game.” (Bernard, par. 1)

Johnson asserts: “A clear-cut repudiation of torture or abuse is . . . essential to the safety of the troops” (26), who need to be able to “claim the full protection of the Geneva Conventions . . . when they are captured, in this or any war” (27). (Mae, par. 3)

Your essay seeking common ground is based on sources: the position essays you have studied and your background research on the issue. In nearly every sentence of your essay, you will be quoting, summarizing, or paraphrasing these sources. When you quote from them, you have many options for integrating a quotation smoothly into your explanation.

### Working with Sources:

Weaving Quoted Materials into Your Own Sentences



One familiar, common strategy is to create a noun clause beginning with *that*, as in this example:

Johnson argues against this common claim, writing that “whenever we torture or mistreat prisoners, we are capitulating morally to the enemy — in fact, adopting the terrorist ethic that the end justifies the means” (26). (Mae, par. 4)

But he insists that “Commissioners, club officials, the Players Association, and players” should share “responsibility for the steroids era” and “should join in” the “effort to bring the era of steroids and human growth hormone to an end” (311). (Bernard, par. 11)

Another common strategy is to introduce the quotation with a verb like *say*, or alternatives to it like *assert*, *claim*, *ask*, *argue*, *explain*:

“Steroids are coercive,” Foster explains, because “if your opponents use them, you have to” as well or you risk losing. (Bernard, par. 10)

“More than anything,” remarked Pete Hamill, the twentieth-century journalist and novelist, “it’s a game of innocence” (Andrijeski). (Bernard, par. 1)

As he says, “the prediction became reality last summer when nearly 25 percent of schools in Connecticut were identified as having failed to make AYP.” (Alexander, par. 8)

Therefore, Walker concludes, each athlete has to decide for him- or herself what’s “appropriate or necessary.” (Bernard, par. 10)

Beyond relying on *that* or a verb alone, you can weave the quotations right into your own sentence structures. This option is especially useful when the material you want to quote is a phrase rather than a clause or a complete sentence.

He sees “no logical or ethical distinction between — just for example — killer workouts and PEDs.” Therefore, Walker concludes, each athlete has to decide for him- or herself what’s “appropriate or necessary.” (Bernard, par. 10)

Johnson puts down the scenario outright as an unrealistic “Hollywood drama” (26). (Mae, par. 7)

This approach allows you to easily accommodate two or more quotations in one of your own sentences:

Paige makes a strong economic argument for the need to improve high school education so that students are prepared for the “fastest-growing occupations in the United States” and can compete in the new “global economy.” (Alexander, par. 7)

Paige, on the other hand, characterizes Weaver’s recommendations as “complaints of the unwilling,” arguing that instead of changing the NCLB Act, we should give it time and “work to make the law successful.” (Alexander, par. 13)

For more help on using sources in your writing, turn to Chapter 24, p. 000.

## Critical Reading Guide

  
Basic Features

Your instructor may arrange a peer review session in class or online where you can exchange drafts with your classmates and give each other a thoughtful critical reading — pointing out what works well and suggesting ways to improve the draft. Remember, a good critical reading does three things: it lets the writer know how well the reader understands the analysis, praises what works best, and indicates where the draft could be improved.

1. Evaluate how effectively the issue and opposing positions are introduced.

**Summarize:** Briefly tell the writer what you understand the issue to be about and what the different positions are on the issue.

**Praise:** Indicate where the writer does a good job explaining the issue, introducing the authors, or engaging readers' interest.

**Critique:** Describe any confusion or uncertainty you have about the issue, why it is important, or what positions are usually taken on it.

2. Consider whether the analysis is sufficiently probing.

**Summarize:** Tell the writer what you think are the main points of disagreement and agreement (actual or potential).

**Praise:** Identify one or two passages where the analysis seems especially interesting and original — for example, where the arguments seem opposed but are shown to be based on the same reasoning, evidence, or motivational factor, such as a shared value.

**Critique:** Give the writer suggestions on how the analysis could be improved — for example, indicate where one of the writer's points needs additional explanation or where adding an example would make the point easier to grasp. Let the writer know if you detect any other motivating factors that might be used to establish common ground.

3. Consider whether the writer's presentation is fair and impartial.

**Praise:** Note any passages where the writer comes across as being especially fair and impartial.

**Critique:** Tell the writer if the authors and their positions are presented unfairly or if one side seems to be favored over the other.

4. Assess the essay's readability.

**Praise:** Pick one or two places where the essay is especially clear and easy to follow — for example, where comparative transitions signal similarities and differences.

**Critique:** Let the writer know where the readability could be improved — for example, where a topic sentence could be clearer or where a transition is needed. Can you suggest a better beginning or more effective ending?

5. If the writer has expressed concern about anything in the draft that you have not discussed, respond to that concern.

**Making Comments Electronically** Most word processing software offers features that allow you to insert comments directly into the text of someone else's document. Many readers prefer to make their comments this way because it tends to be faster than writing on hard copy and space is virtually unlimited; it also eliminates the process of deciphering handwritten comments. Where such features are not available, simply typing comments directly into a document in a contrasting color can provide the same advantages.

## Revising

Very likely you have already thought of ways to improve your draft, and you may even have begun to revise it. The Troubleshooting Chart on page 230 will help. Before using the chart, however, it is a good idea to do the following:

- Review critical reading comments from your classmates, instructor, or writing center tutor.
- Make an outline of your draft so that you can look at it analytically.

You may have made an outline before writing your draft, but after drafting you need to see what you actually wrote, not what you intended to write. You can outline the draft quickly by highlighting the basic features — presenting the issue, analyzing the opposing positions, effectively presenting an impartial account of the opposing arguments, and making the essay readable.

### Thinking About Document Design: Helping Readers Visualize a Solution

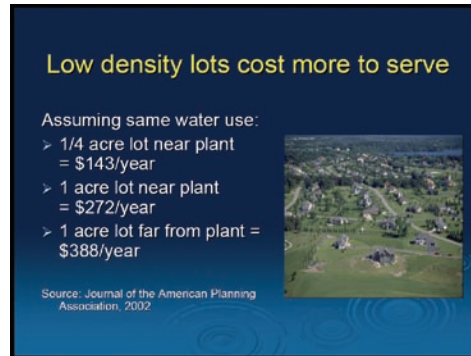
In the presentation cosponsored by an engineering consulting firm and the EPA at the New Partners for Smart Growth Conference (see the chapter-opening scenario on page 185), document design played an important role in helping attendees visualize the proposed plan for development. The greatest challenge for the presenters was to design materials that would make clear the complexities of the competing needs of the stakeholders, and the proposed resolution of them, in a relatively short session.

Their first impulse was to present the precise statistical data that the consulting firm had gathered to persuade stakeholders that their solution was best for all parties. When they drafted PowerPoint slides that contained such data, however, they realized that the information was too detailed and too text-based to be effective in the conference setting: depending on where they were sitting, attendees would not necessarily be able to read all the detail, and they wouldn't have enough time to absorb it. Instead, the presenters designed a series of slides that conveyed the challenges and alternative solutions concisely and in a visually compelling way.

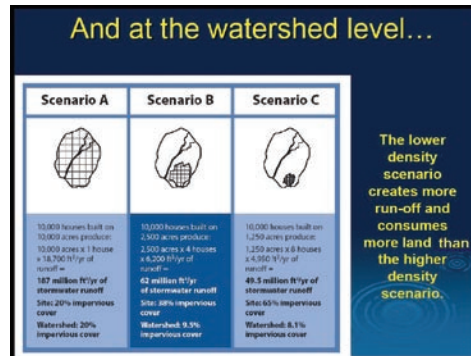
For example, to introduce one of their key concepts — the large difference between high- and low-density development in terms both of environmental impact and dollar costs — they began by engaging their audience with a simple question, set in an eye-catching yellow font, which they illustrated simply using contrasting photographs:



They proceeded to answer their own question with statistics showing that low-density lots cost more to supply with water and basic utilities:



Next, they used a simple illustration showing the differences in environmental impact from high-, medium-, and low-density developments:



The simplicity and visual appeal of the PowerPoint slides they created were instrumental in conveying their ideas clearly and persuasively.

# Troubleshooting Your Draft

Basic Features

	Problem	Suggestions for Revising the Draft
An Informative Introduction to the Issue and Opposing Positions	My readers are not clear about the issue or the opposing positions.	<ul style="list-style-type: none"> <li><input type="checkbox"/> State the issue explicitly as a <i>should</i> question.</li> <li><input type="checkbox"/> Use a comparative transition (i.e., <i>whereas</i> X . . . , Y . . . ; or X . . . <i>but</i> Y . . . ) to sharpen the contrast between the opposing positions.</li> <li><input type="checkbox"/> Explain the positions in more depth, perhaps providing examples or anecdotes to make them more concrete.</li> <li><input type="checkbox"/> Consider adding visuals, graphs, tables, or charts, if these would help clarify the issue and opposing positions.</li> </ul>
	My readers are not interested or do not appreciate the issue's importance.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Add additional information about the issue and authors.</li> <li><input type="checkbox"/> Contextualize the issue in history, politics, socioeconomics, or cultural phenomena or trends.</li> <li><input type="checkbox"/> Quote notable authorities on the issue.</li> <li><input type="checkbox"/> Cite polls or research studies.</li> </ul>
A Probing Analysis	My readers do not understand what my main points are.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Determine whether you are trying to cover too many points without going into detail about any of them.</li> <li><input type="checkbox"/> Consider which points can be cut or categorized under other points.</li> </ul>
	My analysis seems more like a summary than a probing analysis.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Reexamine each argument to get at the underlying motivating factors that could explain the agreement or disagreement.</li> <li><input type="checkbox"/> Try reorganizing your analysis by grouping related points — on the basis of shared values, common concerns, political agenda, etc.</li> </ul>
A Fair and Impartial Presentation	I reveal my own position.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consider where changing your word choice — perhaps adding <i>may</i> or <i>could</i> — would help you come across as impartial.</li> <li><input type="checkbox"/> Cut passages where you evaluate the opposing positions, or quote others to critique weak arguments.</li> </ul>
	My presentation is not unbiased or balanced.	<ul style="list-style-type: none"> <li><input type="checkbox"/> If you favor one side over the other, try to balance your presentation by discussing how the other essay deals with the point.</li> <li><input type="checkbox"/> Make sure that you are representing each essay accurately and fairly.</li> </ul>
A Readable Plan	My readers are confused by my essay, or find it difficult to read.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consider adding a forecasting statements and topic sentences to introduce key terms, and repeating terms to help readers track your main points.</li> <li><input type="checkbox"/> Add or clarify comparative transitions when you are comparing or contrasting the opposing arguments.</li> </ul>

## Editing and Proofreading

Our research indicates that particular errors occur often in common ground essays: incorrect comma usage in sentences with interrupting phrases, and vague pronoun reference. The following guidelines will help you check your essay for these common errors.

### Using Commas around Interrupting Phrases

What is an interrupting phrase? When writers are analyzing opposing positions, they need to supply a great deal of information, precisely and accurately. They add much of this information in phrases that interrupt the flow of a sentence, as in the following example:

The concern was so great that George Mitchell, the former Senate Majority Leader and peace negotiator, was enlisted to investigate.

Such *interrupting phrases* as they are called, are typically set off with commas.

**The Problem.** Forgetting to set off an interrupting phrase with commas can make sentences difficult to read or unclear.

**How to Correct It.** Add a comma on either side of an interrupting phrase.

- ▶ Live Nation, without hesitating, paid \$350 million to buy HOB Entertainment, which owns the popular House of Blues clubs.
- ▶ Virtual football, to hold onto its fans and gain more, soon has to move beyond solitary players to teams of players on the Internet.

### Correcting Vague Pronoun Reference

**The Problem.** *Pronouns* replace and refer to nouns, making writing more efficient and cohesive. If the reference is vague, however, rather than clear and precise, this advantage is lost. A common problem is vague use of *this*, *that*, *it*, or *which*.

**How to Correct It.** Scan your writing for pronouns, taking special note of places where you use *this*, *that*, *it*, or *which*. Check to be sure that it is crystal clear what *this*, *that*, *it*, *which*, or another pronoun refers to. If it is not, revise your sentence.

- ▶ Television evangelists seem to be perpetually raising money, <sup>This habit</sup> which makes some viewers question their motives.

### A Note on Grammar and Spelling Checkers

These tools can be helpful, but do not rely on them exclusively to catch errors in your text: Spelling checkers cannot catch misspellings that are themselves words, such as *to* for *too*. Grammar checkers miss some problems, sometimes give faulty advice for fixing problems, and can flag correct items as wrong. Use these tools as a second line of defense after your own (and, ideally, another reader's) proofreading/editing efforts.

For practice, go to [bedfordstmartins.com/theguide/exercise/central](http://bedfordstmartins.com/theguide/exercise/central) and click on *Commas around Interrupting Phrases*.

- ▶ By the late 1960s, plate tectonics was a new science. It was based on the notion of the earth's crust as a collection of plates or land masses above and below sea

*startling new geological theory*

level, constantly in motion. This took a while for most people to accept, ~~because of its unexpected novelty.~~

- ▶ Inside the Summit Tunnel the Chinese laborers were using as much as 500 kegs a day of costly black powder to blast their way through the solid rock.

*The unexpected expense*

~~It~~ was straining the Central Pacific's budget.

For practice, go to [bedfordstmartins.com/theguide/exercisecentral](http://bedfordstmartins.com/theguide/exercisecentral) and click on Vague Pronoun Reference.

## A Writer at Work

### Melissa Mae's Analysis

#### Annotating and Charting Annotations

In this section, you can learn how one writer, Melissa Mae, prepared to write “Laying Claim to a Higher Morality” (see pages 195–197 in the Readings section of this chapter). In this essay, Mae analyzes two essays taking opposing positions on the issue of whether the United States should use torture in the interrogation of suspected terrorists. Following the Guide to Writing, Mae first annotated the key features of the essays' arguments and their motivating factors. Then she entered the results of her analysis on a chart that helped her see at a glance where the points of agreement and disagreement were located in both essays.

To learn from this Writer at Work demonstration, first read the two essays Mae analyzed. Then, look at Mae's Annotation Chart and a passage she annotated.

#### The Essays Melissa Mae Analyzed

Below are the two essays Mae used for her finding common ground essay. (For three additional essays on the issue of torture, along with a short overview of the issue, see pages 243–263.)



“A Case for Torture” is the summary of an article written for the *University of San Francisco Law Review* by MIRKO BAGARIC, professor and coordinator of the Graduate Law Program at the Deakin Law School in Melbourne, Australia, and JULIE CLARKE, lecturer in the same program. Bagaric’s recent books include *How to Live: Being Happy and Living with Moral Dilemmas* (2006) and *Criminal Laws of Australia*, with Ken Arenson (2004). Clarke’s most recent publications include *Contract Law: Commentaries, Cases and Perspectives* (2008), with Philip Clarke and Ming Zhou. Together, Bagaric and Clarke also wrote *Torture: When the Unthinkable Is Morally Permissible* (2006). “A Case for Torture” was published in 2005 in the *Age*, a Melbourne, Australia, newspaper.

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## A Case for Torture

MIRKO BAGARIC AND JULIE CLARKE

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1 **R**ecent events stemming from the “war on terrorism” have highlighted the prevalence  
of torture. This is despite the fact that torture is almost universally deplored. The  
formal prohibition against torture is absolute — there are no exceptions to it.

2 The belief that torture is always wrong is, however, misguided and symptomatic of  
the alarmist and reflexive responses typically emanating from social commentators. It is  
this type of absolutist and short-sighted rhetoric that lies at the core of many distorted  
moral judgements that we as a community continue to make, resulting in an enormous  
amount of injustice and suffering in our society and far beyond our borders.

3 Torture is permissible where the evidence suggests that this is the only means,  
due to the immediacy of the situation, to save the life of an innocent person. The  
reason that torture in such a case is defensible and necessary is because the justifica-  
tion manifests from the closest thing we have to an inviolable right: the right to self-  
defence, which of course extends to the defence of another. Given the choice between  
inflicting a relatively small level of harm on a wrongdoer and saving an innocent  
person, it is verging on moral indecency to prefer the interests of the wrongdoer.

4 The analogy with self-defence is sharpened by considering the hostage-taking  
scenario, where a wrongdoer takes a hostage and points a gun to the hostage’s head,  
threatening to kill the hostage unless a certain (unreasonable) demand is met. In such  
a case it is not only permissible, but desirable for police to shoot (and kill) the wrong-  
doer if they get a “clear shot.” This is especially true if it’s known that the wrongdoer  
has a history of serious violence, and hence is more likely to carry out the threat.

5 There is no logical or moral difference between this scenario and one where there is  
overwhelming evidence that a wrongdoer has kidnapped an innocent person and informs  
police that the victim will be killed by a co-offender if certain demands are not met.

6 In the hostage scenario, it is universally accepted that it is permissible to violate  
the right to life of the aggressor to save an innocent person. How can it be wrong to

violate an even less important right (the right to physical integrity) by torturing the aggressor in order to save a life in the second scenario?

There are three main [objections] to even the above limited approval of torture. The first is the slippery slope argument: if you start allowing torture in a limited context, the situations in which it will be used will increase.

This argument is not sound in the context of torture. First, the floodgates are already open — torture is used widely, despite the absolute legal prohibition against it. Amnesty International has recently reported that it had received, during 2003, reports of torture and ill-treatment from 132 countries, including the United States, Japan and France. It is, in fact, arguable that it is the existence of an unrealistic absolute ban that has driven torture beneath the radar of accountability, and that legalisation in very rare circumstances would in fact reduce instances of it.

The second main argument is that torture will dehumanise society. This is no more true in relation to torture than it is with self-defence, and in fact the contrary is true. A society that elects to favour the interests of wrongdoers over those of the innocent, when a choice must be made between the two, is in need of serious ethical rewiring.

A third [objection] is that we can never be totally sure that torturing a person will in fact result in us saving an innocent life. This, however, is the same situation as in all cases of self-defence. To revisit the hostage example, the hostage-taker's gun might in fact be empty, yet it is still permissible to shoot. As with any decision, we must decide on the best evidence at the time.

Torture in order to save an innocent person is the only situation where it is clearly justifiable. This means that the recent high-profile incidents of torture, apparently undertaken as punitive measures or in a bid to acquire information where there was no evidence of an immediate risk to the life of an innocent person, were reprehensible.

Will a real-life situation actually occur where the only option is between torturing a wrongdoer or saving an innocent person? Perhaps not. However, a minor alteration to the Douglas Wood situation illustrates that the issue is far from moot. If Western forces in Iraq arrested one of Mr. Wood's captors, it would be a perverse ethic that required us to respect the physical integrity of the captor, and not torture him to ascertain Mr. Wood's whereabouts, in preference to taking all possible steps to save Mr. Wood.

Even if a real-life situation where torture is justifiable does not eventuate, the above argument in favour of torture in limited circumstances needs to be made because it will encourage the community to think more carefully about moral judgements we collectively hold that are the cause of an enormous amount of suffering in the world.

First, no right or interest is absolute. Secondly, rights must always yield to consequences, which are the ultimate criteria upon which the soundness of a decision is gauged. Lost lives hurt a lot more than bent principles.

Thirdly, we must take responsibility not only for the things that we do, but also for the things that we can — but fail to — prevent. The retort that we are not responsible for the lives lost through a decision not to torture a wrongdoer because we did not create the situation is code for moral indifference.

Equally vacuous is the claim that we in the affluent West have no responsibility for more than 13,000 people dying daily due to starvation. Hopefully, the debate on torture will prompt us to correct some of these fundamental failings.

“Inhuman Behavior” was written by Major General KERMIT D. JOHNSON, a retired chaplain in the U.S. Army. Johnson is a graduate of the U.S. Military Academy, the Princeton Theological Seminary, the U.S. Command and General Staff College, and the U.S. Army War College. As an infantry officer, he commanded a heavy mortar company in the Korean War. As a chaplain, he served in the United States, Germany, and Vietnam, completing his service as Chief of Chaplains from 1979 to 1982.

“Inhuman Behavior” was published in 2006 in *the Christian Century*, a national magazine concerned with “faithful living, critical thinking.”

## Inhuman Behavior: A Chaplain's View of Torture

**Kermit D. Johnson**

1 **T**he historian Arnold Toynbee called war “an act of religious worship.” Appropriately, when most people enter the cathedral of violence, their voices become hushed. This silence, this reluctance to speak, is based in part on not wishing to trivialize or jeopardize the lives of those who have been put in harm’s way. We want to support the men and women in our armed forces, whether we are crusaders, just warriors or pacifists.

2 Furthermore, those who interrupt this service of worship become a source of public embarrassment, if not shame. The undercurrent seems to be that dissent or critique in the midst of war is inherently unpatriotic because it violates a sacred wartime precept: support our troops.

3 **If war causes us to suppress our deepest religious, ethical and moral convictions, then we have indeed caved in to a “higher religion” called war.**

From the standpoint of Christian faith, how do we respond? I would say that if war causes us to suppress our deepest religious, ethical and moral convictions, then we have indeed caved in to a “higher religion” called war.

4 Since this obeisance to war is packaged in the guise of patriotism, it is well to admit to the beauty of patriotism, the beauty of unselfishness and love of country, land, community, family, friends and, yes, our system of government. But this fabulous beauty makes us appreciate all the more what Reinhold Niebuhr called the “ethical paradox in patriotism.” The paradox is that patriotism can transmute individual unselfishness into national egoism. When this happens, when the critical attitude of the individual is

squelched, this permits the nation, as Niebuhr observed, to use “power without moral constraint.”

I believe this has been the case, particularly since 9/11, in the treatment of prisoners under U.S. custody.

We must react when our nation breaks the moral constraints and historic values contained in treaties, laws and our Constitution, as well as violating the consciences of individuals who engage in so-called “authorized” inhuman treatment. Out of an unsentimental patriotism we must say no to torture and all inhuman forms of interrogation and incarceration. It is precisely by speaking out that we can support our troops and at the same time affirm the universal values which emanate from religious faith.

A clear-cut repudiation of torture or abuse is also essential to the safety of the troops. If the life and rule of Jesus and his incarnation is to be normative in the church, then we must stand for real people, not abstractions: for soldiers, their families, congregations to which they belong, and the chaplains and pastors who minister to their needs from near and far. By “real people” we also mean that tiny percentage of the armed forces who are guards and interrogators and the commanders responsible for what individuals and units do or fail to do in treating prisoners.

Too often the topic of torture is reduced to a Hollywood drama, a theoretical scenario about a ticking time bomb and the supposed need to torture someone so the bomb can be discovered and defused in the nick of time. Real torture is what takes place in the daily interchange between guards, interrogators and prisoners, and in the everyday, unglamorous, intricate job of collecting intelligence.

U.S. troops in Iraq are fighting an insurgency. It is a battle for the “hearts and minds” of the people. Mao Zedong referred to guerrillas or insurgents as the fish and the supporting population as the water. This is an asymmetrical battle. As a weaker force, the insurgents cannot operate without the support of the people. So the classic formula for combating an insurgency is to drain the swamp — cut the insurgents off from their life support. Both sides are trying to win the “hearts and minds” of the people.

Imagine, then, the consequences when people learn that U.S. forces have tortured and abused captives. A strengthened and sustained insurgency means danger and death for U.S. forces. Never mind that the other side routinely tortures. It is we who lay claim to a higher morality.

Nor should we take comfort that we do not chop off heads or field suicide bombers. What we must face squarely is this: whenever we torture or mistreat prisoners, we are capitulating morally to the enemy — in fact, adopting the terrorist ethic that the end justifies the means. And let us not deceive ourselves: torture is a form of terrorism. Never mind the never-ending debate about the distinctions between “cruel, inhuman and degrading treatment” and “torture.” The object of all such physical and mental torment is singularly clear: to terrify prisoners so they will yield information. Whenever this happens to prisoners in U.S. control, we are handing terrorists and insurgents a priceless ideological gift, known in wartime as aid and comfort to the enemy.

12 As for individual guards or interrogators, whenever they are encouraged or ordered to use torture, two war crimes are committed: one against the torturer and the other against the prisoner. The torturer and the tortured are both victims, unless the torturer is a sadist or a loose cannon who needs to be court-martialed. This violation of conscience is sure to breed self-hatred, shame and mental torment for a lifetime to come.

13 Finally, the most obvious reason for repudiating torture and inhuman treatment is that our nation needs to claim the full protection of the Geneva Conventions on behalf of our troops when they are captured, in this or any war.

14 The congressional votes for and the presidential capitulation to the amendment offered by Senator John McCain prohibiting torture and inhuman treatment have to be seen as positive (despite the president's statement in signing it, in which he claimed an exception to the rule when acting as commander in chief). But reasons for concern remain.

- The most passionate defenders of the Geneva Conventions, the judge advocate generals, the military lawyers, were completely cut off from providing input on the torture issue.
- The government has denigrated international treaties that the U.S. has signed and that constitute U.S. law regarding torture and inhuman treatment.
- The definition of torture has been reinterpreted by the Justice Department as follows: "Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."
- There is no indication that the outsourcing or "rendition" of brutal treatment will cease. Is it not odd that some of the countries the U.S. State Department faults for torture are the very countries we utilize in outsourcing interrogations? What credence can we put in their assurances that they will not torture?
- In Senate testimony, Senator Jack Reed (D., R.I.) asked the military this question: "If you were shown a video of a United States Marine or an American citizen [under the] control of a foreign power, in a cell block, naked with a bag over their head, squatting with their arms uplifted for 45 minutes, would you describe that as a good interrogation technique or a violation of the Geneva Convention?" The chairman of the Joint Chiefs of Staff, Marine General Peter Pace, answered: "I would describe it as a violation." The next question might be: Why have these and other violations of the Geneva Conventions been certified as legal when employed by the U.S.?
- The public has been dragged through a labyrinth of denials, retractions, redefinitions and tortured arguments, all designed to justify and rationalize lowered moral standards in the treatment of prisoners, not to strengthen and defend high ethical standards.

In a letter to Senator McCain, Captain Ian Fishback, a West Point graduate in the 82nd Airborne Division, said, “Some argue that since our actions are not as horrifying as al-Qaeda’s we should not be concerned. When did al-Qaeda become any type of standard by which we measure the morality of the United States? I strongly urge you to do justice to your men and women in uniform. Give them clear standards of conduct that reflect the ideals they risk their lives for.” Torture is not one of those ideals.

15

### How Mae Analyzed the Debate between Bagaric/Clarke and Johnson

As Mae reread each essay, she highlighted the text and made notes in the margin where she found the key features of the argument and several motivating factors. At the same time, she entered the paragraph numbers and brief summaries of what she found into her Annotations Chart (see pp. 239–240).

Analyzing both essays took a few hours of intense close reading, but when she was done, Mae felt she understood both essays very well and had many ideas about which points of disagreement and agreement she could discuss in her essay. In fact, Mae felt confident that she had found more material than she could use in an essay her instructor limited to one thousand words.

Mae found it easy to identify the issue and position in each essay. After some careful analysis, she also located the main reasons and supporting evidence for each argument, as well as all counterarguments and possible objections the authors acknowledged, along with how they responded to them (either by conceding or refuting them).

The trickiest part for Mae was identifying the authors’ motivating factors. Her instructor had forewarned the class that this would likely be the case, because the motivating factors were likely not to be explicitly stated. After rereading key passages a few times, Mae felt satisfied that she had found the major motivating factors for both essays in paragraphs she had already annotated.

An example of Mae’s annotations of one portion of the Bagaric and Clarke essay and her completed Annotations Chart are shown in this section.

*Position (thesis)*

Torture is permissible where the evidence suggests that this is the only means, due to the immediacy of the situation, to save the life of an innocent person. The reason that torture in such a case is defensible and necessary is because the justification manifests from the closest thing we have to an inviolable right: the right to self-defence, which of course extends to the defence of another. Given the choice between inflicting a relatively small level of harm on a wrongdoer and saving an innocent person, it is verging on moral indecency to prefer the interests of the wrongdoer.

3 Torture sometimes OK — analogy to self-defense (par. 3)

*Ideology: self-defense is inviolable right*

*Moral value: human life*

*Hostage-taking scenario (pars. 4–6)*

The analogy with self-defence is sharpened by considering the hostage-taking scenario, where a wrongdoer takes a hostage and

*Priority: saving innocent life outweighs harming wrongdoer*

points a gun to the hostage's head, threatening to kill the hostage unless a certain (unreasonable) demand is met. In such a case it is **not only permissible, but desirable** for police to shoot (and kill) the wrongdoer if they get a "clear shot." This is especially true if it's known that the wrongdoer has a history of serious violence, and hence is more likely to carry out the threat.

"Logically" and "morally," terrorist like wrongdoer

5 There is **no logical or moral difference** between this scenario and one where there is overwhelming evidence that a wrongdoer has kidnapped an innocent person and informs police that the victim will be killed by a co-offender if certain demands are not met.

Logic: If right to kill to save life, then right to torture

6 In the hostage scenario, it is **universally accepted** that it is **permissible to violate the right to life** of the aggressor **to save an innocent person**. How can it be wrong to violate an even **less important right (the right to physical integrity)** by torturing the aggressor in order to save a life in the second scenario?

Ideology: right to life more imp. than right to physical integrity

### Melissa Mae's Annotations Chart

		Essay 1: Bagaric/Clarke	Essay 2: Johnson
Features of the Argument	ISSUE	1 (war on terrorism)	1-5 (post 9/11 wartime ethics/politics)
	POSITION (THESIS)	3 ("Torture permissible . . . only means . . . to save the life of an innocent person.")	6 ("We must react when our nation breaks the moral constraints and historic values . . . say no to torture . . .")
	ARGUMENT (Main supporting reasons and evidence)	Torture sometimes OK 3 (analogy: self-defense) 4-6 (analogy: hostage-taking scenario → b/c If it's right to kill to save innocent life, then it's right to torture) 13 (b/c it's necessary in real life — Wood example) 14 (b/c "no right or interest is absolute")	Torture never OK 6-7 (b/c it endangers our troops & against "universal values" & "religious faith") 9-10 (b/c it's counterproductive, loses "hearts & minds") 11 (b/c we become terrorists) 12 (b/c torturers also "victims") 13 (b/c our troops need Geneva Conventions protection) 14 (b/c it's against the law)

(continued)



(continued)

		Essay 1: Bagaric/Clarke	Essay 2: Johnson
	COUNTERARGUMENT (Refutation or concession?)	1-2 (Refutes “absolute” prohibition against torture argument) 7-10 (Refutes slippery slope, dehumanizes society, & info untrustworthy arguments.) 11 (Concedes cases torture is wrong → therefore qualifies thesis: not when punitive, only in immediate risk.)	1-6 (Refutes dissent is “unpatriotic” argument b/c it’s morally necessary & saves troops) 8 (Refutes ticking time bomb scenario b/c it’s “Hollywood drama,” not realistic) 15 (Refutes U.S. behavior “not as horrifying as al-Qaeda’s” b/c we have our own moral standards)
Motivating Factors	VALUES (Moral, ethical, religious)	2-3 (save innocent life) 13-16 (need “to think more carefully about moral judgments”)	1-4 (Niebuhr’s “ethical paradox in patriotism” → “power w/o moral constraint”) 6 (“affirm universal values which emanate from religious faith”) 11 (“terrorist ethic that the end justifies the means”)
	IDEOLOGY AND IDEALS (Cultural, legal, political)	3 (right to self defense) 6 (“universally accepted . . . to violate the right to life of the aggressor to save an innocent person”) 14 (“Lost lives hurt a lot more than bent principles.”)	11 (U.S. torturing — “ideological gift” to terrorists) 1-6 (morality absolute: end doesn’t justify the means?) 15 (“Torture is not one of those ideals.”)
	FEARS AND CONCERNS	1 (post 9/11 fear of terrorism)	14 (“reasons for concern”)
	PRIORITIES AND AGENDAS	3 (save innocent life)	6-7 (save troops lives) 10-11 (preserve U.S. ideals & morals)
	BINARY THINKING	12 (“only option [is] between torturing a wrongdoer or saving an innocent person? Perhaps not. However . . .”)	1-6 (morality, Religious principles, Law v. Pragmatism; Ends v. Means)

### How Mae Used the Annotations Chart to Plan and Draft Her Essay

Mae relied on the Annotations Chart as a guide to planning her essay (see pp. 195–197). It seemed logical to her to start her essay where she started the chart: by identifying the *issue* and the *positions* on the issue presented by each essay.

In her first paragraph, she provides some context for the issue, noting that the disclosure in 2004 of detainee abuse at Abu Ghraib first led many Americans

to become concerned about torture and that the debate over “enhanced interrogation techniques” such as waterboarding and sleep deprivation continues today. Like Mae, you may turn up relevant details in your background research about the issue — facts, history, current news — that you can use to present it to readers.

In her second paragraph, Mae introduces the two opposing position essays by title and date of publication, gives some background on the writers, and briefly states the positions they take in their essays. She concludes the paragraph by suggesting that common ground exists between what seem at first glance to be starkly opposing perspectives.

In her third and fourth paragraphs, Mae continues to make good use of her chart in presenting key aspects of the authors’ main arguments. To represent their arguments fairly and accurately and to identify the language she would paraphrase, she first consulted her chart and then looked again at her highlighted and annotated essays. You can see from the chart that she made use of information from several paragraphs in both readings. Her patience in charting the topics ensured that she would not overlook any important material that would help her compare and contrast these writers’ essays.

As you read the rest of Mae’s essay, note that she does not cover every element in her chart but selected those that enable her to represent fairly what she considers to be the most interesting and important points of agreement and disagreement between the two writers.

## Thinking Critically About What You Have Learned

Now that you have read and discussed several common ground essays and written one of your own, take some time to think critically and write about what you have learned. To think critically means to use all of your new genre knowledge — acquired from the information in this chapter, your own writing, the writing of other students, and class discussions — to reflect deeply on your work for this assignment. It also requires that you consider the social implications of your new knowledge.

Critical thinking is sustained by analysis — a thoughtful, patient survey of all of the materials you have read and produced during your work in this chapter. The benefit is proven and important: You will remember longer what you have learned, ensuring that you will be able to put it to good use well beyond this writing course.

## Reflecting on Your Writing

Your instructor may ask you to turn in with your essay and process materials a brief metacognitive essay or letter reflecting on what you have learned in writing your essay finding common ground. Choose among the following invention activities those that seem most productive for you.

- Explain how your purpose and audience — what you wanted your readers to understand about why people disagree and where they might find common ground — influenced *one* of your decisions as a writer, such as how you framed the issue, how you introduced the authors, which points of disagreement and agreement you chose to discuss, or the motivating factors you emphasized.
- Discuss what you learned about yourself as a writer in the process of writing this particular essay. For example, what part of the process did you find most challenging. Did you try something new, like annotating the essays and making a chart of your annotations or listing the points of disagreement and agreement?
- If you were to give advice to a friend who was about to write an essay finding common ground, what would you say?
- Which of the readings in this chapter influenced your essay? Explain the influence, citing specific examples from your essay and the reading.
- If you got good advice from a critical reader, explain exactly how the person helped you — perhaps by suggesting a motivating factor, a shared concern or value that your analysis was hinting at but not addressing directly or by noting passages where comparative transitions or clearer labeling was needed to help readers keep track of the similarities or differences between the arguments.

## Considering the Social Dimensions: Being Fair and Impartial

Essays that attempt to understand the basis for disagreement and find common ground on controversial topics are unquestionably helpful for writers and readers alike. They help us to understand complicated arguments and discover ways to move forward amicably and constructively. They are especially important in a democracy because they enable us to perform our role as citizens conscientiously, informing ourselves about important issues.

Traditionally, journalists and academics have served as authors of analytical essays that seek to help us understand differences and find common ground on controversial social, cultural, and political issues. For example, the Committee of Concerned Journalists identifies the news media as “the common carriers of public discussion” and asserts that it bears a responsibility “to fairly represent the varied viewpoints and interests in society, and to place them in context rather than highlight only the

conflicting fringes of debate.” Most importantly, they make clear that “[a]ccuracy and truthfulness require that as framers of the public discussion we not neglect the points of common ground where problem solving occurs” (“A Statement of Shared Purpose,” [www.concernedjournalists.org/node/380](http://www.concernedjournalists.org/node/380)).

Journalists and academic analysts, however, recognize that maintaining accuracy and trustworthiness can be quite challenging on highly contentious issues. They wrestle with the requirement that analysis be impartial. They often make a distinction between impartiality — which can be defined as not partial or biased, but fair and just — and objectivity — which assumes that it is possible to examine a controversy scientifically, without being influenced by personal feelings, experiences, values, or prior knowledge. Most analysts, however, acknowledge that while objectivity may not be possible, writers can strive to be fair in the way they represent different viewpoints, even-handed and balanced in giving each side its voice, and unbiased in avoiding judgmental language.

1. ***Consider how challenging it was to make your analysis fair and impartial.***

As you were analyzing the argument essays and writing your finding common ground essay, in what ways, if any, did you have difficulty maintaining your impartiality? How did you try to make sure you were being fair? What strategies did you use in your writing to come across to readers as a trustworthy analyst?

2. ***Write a page or so about the goal of trying to be fair and impartial as an analyst.*** Based on your own experience as a writer of a finding common ground essay (as well as other writing you may have done in the past), what have you learned about the goal of trying to be fair and impartial? Is it an achievable goal? Is it a worthwhile goal? Why or why not?

Add to your discussion any ideas you have from your experience as a consumer of analytical writing and talk. How critical are you as a reader or listener? How important do you think it is for you as a citizen and student to feel confident that the analysis you are consuming comes across as fair, unbiased, impartial, even objective? Be sure to distinguish between op-ed style commentary intended to express opinions and judgments and journalism or academic style analysis intended to be fair and impartial.

## Appendix: Two Debates

Following are two clusters of essays taking positions on two different issues: torture and same-sex marriage. These essays are also available electronically on the companion Web site for this book, [bedfordstmartins.com/theguide](http://bedfordstmartins.com/theguide), which also includes several other debates for you or your instructor to choose from.

## Debate 1: Torture

**“Thinking about Torture” by Ross Douthat (pp. 245–248)**

**“Committing War Crimes for the ‘Right Reasons’”  
by Glenn Greenwald (pp. 248–251)**

**“An End to Torture” by Maryann Cusimano Love (pp. 251–255)**

See also:

**“A Case for Torture” by Mirko Bagaric and Julie Clarke (pp. 233–234)**

**“Inhuman Behavior” by Kermit D. Johnson (pp. 235–238)**

### Understanding the Torture Debate

The United States ratified the United Nations Convention against Torture (1987), which asserts that “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency may be invoked as a justification for torture.” People differ on what constitutes torture, but the U.N. defined torture as

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

Since the terrorist attacks of September 11, 2001, and the subsequent revelations of abuse of prisoners by the U.S. military and others at the Abu Ghraib and Guantanamo Bay prisons and elsewhere, however, torture has again become a subject of intense debate in the United States. For example, writers have debated whether torture is effective in obtaining the truth, affects the torturers, threatens the international standing of the United States, or undermines justice. Other contested issues include what qualifies as torture, whether the United States must observe international laws forbidding torture, or whether the United States should set an example by not torturing. The five essays in this chapter take different approaches to the issue, but they all make arguments that are worth examining.



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## Thinking about Torture

ROSS DOUTHAT

1 I haven't written anything substantial, ever, about America's treatment of detainees in the War on Terror. There are good reasons for this, and bad ones. Or maybe there's only one reason, and it's probably a bad one — a desire to avoid taking on a fraught and desperately important subject without feeling extremely confident about my own views on the subject.

2 I keep waiting, I think, for somebody else to write a piece about the subject that eloquently captures my own inarticulate mix of anger, uncertainty and guilt about the Bush Administration's interrogation policy, so that I can just point to their argument and say go read *that*. But so far as I know, nobody has. There's been straightforward outrage, obviously, from many quarters, and then there's been a lot of evasion — especially on the Right, where occasional defenses of torture in extreme scenarios have coexisted with a remarkable silence about the broad writ the Bush Administration seems to have extended to physically-abusive interrogation, and the human costs thereof. But to my knowledge, nobody's written something that captures the sheer *muddiness* that surrounds my own thinking (such as it is) on the issue.

3 That muddiness may reflect moral and/or intellectual confusion on my part, since the grounds for straightforward outrage are pretty obvious. There's a great deal of political tendentiousness woven into Jane Mayer's *The Dark Side*, for instance, but it's very difficult to come away from her reportage unpersuaded that this Administration's counterterrorism policies exposed significant numbers of people — many guilty, but some innocent — to forms of detention and interrogation that we would almost certainly describe as torture if they were carried out by a lawless or dictatorial regime. For a less vivid but also somewhat less partisan analysis that reaches the same conclusion, you can read the executive summary of the just-released Levin-McCain report. (And of course both Mayer's book and the Arms

Services Committee report are just the latest in a line of similar findings, by reporters and government investigations alike.)

Now it's true that a great deal of what seems to have been done to detainees arguably falls into the category of what Mark Bowden, in his post-9/11 *Atlantic* essay on "The Dark Art of Interrogation," called "torture lite": It's been mostly "stress positions," extreme temperatures, and "smacky-face," not thumbscrews and branding irons. But it's also clear now, in a way that it wasn't when these things were still theoretical to most Americans, that the torture/torture lite distinction gets pretty blurry pretty quickly in practice. It's clear from the deaths suffered in American custody. It's clear from the testimony that Mayer puts together in her book. And it's clear from the outraged response, among conservatives and liberals alike, to the photographs from Abu Ghraib, which were almost all of practices closer to "torture-lite" than outright torture but which met, justly I think, with near-universal condemnation nonetheless. (And while it still may be true that in some sense, the horrors of Abu Ghraib involved individual bad apples running amok, they clearly weren't running all that *far* amok, since an awful lot of the things they photographed themselves doing — maybe not the human pyramids, but the dogs, the hoods, the nudity and so forth — showed up on lists of interrogation techniques approved by the Secretary of Defense himself.)

So as far as the bigger picture goes, then, it seems indisputable that in the name of national security, and with the backing of seemingly dubious interpretations of the laws, this Administration pursued policies that delivered many detainees to physical and mental abuse, and not a few to death. These were wartime measures, yes, but war is not a moral blank check: If you believe that Abu Ghraib constituted a failure of *jus in bello*, then you have to condemn the decisions that led to Abu Ghraib, which means that you have to condemn the President and his Cabinet. . . .

Given this reality, whence my uncertainty about how to think about the issue? Basically, it stems from the following thought: That while the Bush Administration's policies clearly failed a just-war test, they didn't fail it in quite so *new* a way as some of their critics suppose . . . and moreover, had I been in their shoes I might have failed the test as well. . . .

For instance: The use of the atomic bomb. I think it's very, very difficult to justify Harry Truman's decision to bomb Hiroshima and Nagasaki in any kind of plausible just-war framework, and if that's the case then the nuclear destruction of two Japanese cities — and indeed, the tactics employed in our bombing campaigns against Germany and Japan more broadly — represents a "war crime" that makes Abu Ghraib look like a trip to Pleasure Island. (And this obviously has implications for the justice of our entire Cold War nuclear posture as well.) But in so thinking, I also have to agree with Richard Frank's argument that "it is hard to imagine anyone who could have been president at the time (a spectrum that includes FDR, Henry Wallace, William O. Douglas, Harry Truman, and Thomas Dewey) failing to authorize use of the atomic bombs" — in so small part because I find it hard to imagine *myself* being in Truman's shoes and deciding the matter differently, my beliefs about just-war principle notwithstanding.



8        The same difficulty obtains where certain forms of torture are concerned. If I find it hard to condemn Harry Truman for incinerating tens of thousands of Japanese civilians, even though I think his decision probably violated the moral framework that should govern the conduct of war, I *certainly* find it hard to condemn the waterboarding of, say, a Khalid Sheikh Muhammed in the aftermath of an event like 9/11, and with more such attacks presumably in the planning stages. I disagree with Charles Krauthammer, who has called torture in such extreme circumstances a “moral duty”; rather, I would describe it as a kind of immorality that we cannot expect those charged with the public’s safety to always and everywhere refrain from. (Perhaps this means, as some have suggested, that we should ban torture, but issue retroactive pardons to an interrogator who crosses the line when confronted with extreme circumstances and high-value targets. But I suspect that this “maybe you’ll get retroactive immunity, wink wink” approach probably places too great a burden on the individual interrogator, and that ultimately some kind of mechanism is required whereby the use of extreme measures in extreme circumstances is brought within the law.)

9        Yet of course the waterboarding of al Qaeda’s high command, despite the controversy it’s generated, is not in fact the biggest moral problem posed by the Bush Administration’s approach to torture and interrogation. The biggest problem is the sheer scope of the physical abuse that was endorsed from on high — the way it was routinized, extended to an ever-larger pool of detainees, and delegated ever-further down the chain of command. Here I’m more comfortable saying straightforwardly that *this should never have been allowed* — that it should be considered impermissible as well as immoral, and that it should involve disgrace for those responsible, the Cheneys and Rumsfelds as well as the people who actually implemented the techniques that the Vice President’s office promoted and the Secretary of Defense signed off on.

10       But here, too, I have uncertainty, mixed together with guilt, about how strongly to condemn those involved — because in a sense I know that what they were doing was what I wanted to them to do. . . .

11       Some of the most passionate torture opponents have stated that they never, ever imagined that the Bush Administration would even consider authorizing the sort of interrogation techniques described above, to say nothing of more extreme measures like waterboarding. I was not so innocent, or perhaps I should I say I was more so: If you had listed, in the aftermath of 9/11, most of the things that have been done to prisoners by representatives of the U.S. government, I would have said that *of course* I expected the Bush Administration to authorize “stress positions,” or “slapping, shoving and shaking,” or the use of heat and cold to elicit information. After all, there was a war on! I just had no idea — until the pictures came out of Abu Ghraib, and really until I started reading detailed accounts of how detainees were being treated — what these methods could mean in practice, and especially as practiced on a global scale. A term like “stress positions” sounds like one thing when it’s sitting, bloodless, on a page; it sounds like something else when somebody dies from it.

Now obviously what I've said with regard to the financial crisis is also true in this arena: With great power comes the responsibility to exercise better judgment than, say, my twenty-three year old, pro-torture-lite self. But with great power comes a lot of pressures as well, starting with great fear: The fear that through *inaction* you'll be responsible for the deaths of thousands or even millions of the Americans whose lives you were personally charged to protect. This fear ran wild the post-9/11 Bush Administration, with often-appalling consequences, but it wasn't an irrational fear — not then, and now. It doesn't excuse what was done by our government, and in our name, in prisons and detention cells around the world. But anyone who felt the way I felt after 9/11 has to reckon with the fact that what was done in our name was, in some sense, done for us — not with our knowledge, exactly, but arguably with our blessing. I didn't get what I wanted from this administration, but I think you could say with some justification that I got what I asked for. And that awareness undergirds — to return to where I began this rambling post — the mix of anger, uncertainty and guilt that I bring to the current debate over what the Bush Administration has done and failed to do, and how its members should be judged.

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## Committing War Crimes for the "Right Reasons"

GLENN GREENWALD

*The Atlantic's* Ross Douthat has a post today — "Thinking about Torture" — which, he acknowledges quite remarkably, is the first time he has "written anything substantial, ever, about America's treatment of detainees in the War on Terror." He's abstained until today due to what he calls "a desire to avoid taking on a fraught and desperately important (sic) subject without feeling extremely confident about my own views on the subject."

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2 I don't want to purport to summarize what he's written. It's a somewhat meandering and at times even internally inconsistent statement. Douthat himself characterizes it as "rambling" — befitting someone who appears to think that his own lack of moral certainty and borderline-disorientation on this subject may somehow be a more intellectually respectable posture than those who simplistically express "straightforward outrage." In the midst of what is largely an intellectually honest attempt to describe the causes for his ambiguity, he actually does express some "straightforward outrage" of his own. About the widespread abuse, he writes: "it should be considered impermissible as well as immoral" and "should involve disgrace for those responsible, the Cheneys and Rumsfelds as well as the people who actually implemented the techniques that the Vice President's office promoted and the Secretary of Defense signed off on."

3 Nonetheless, Douthat repeatedly explains that he is burdened by "uncertainty, mixed together with guilt, about how strongly to condemn those involved," and one of the central reasons for that uncertainty — one that is commonly expressed — is contained in this passage:

But with great power comes a lot of pressures as well, starting with great fear: The fear that through inaction you'll be responsible for the deaths of thousands or even millions of the Americans whose lives you were personally charged to protect. This fear ran wild the post-9/11 Bush Administration, with often-appalling consequences, but it wasn't an irrational fear — not then, and now. It doesn't excuse what was done by our government, and in our name, in prisons and detention cells around the world. But anyone who felt the way I felt after 9/11 has to reckon with the fact that what was done in our name was, in some sense, done for us — not with our knowledge, exactly, but arguably with our blessing. I didn't get what I wanted from this administration, but I think you could say with some justification that I got what I asked for. And that awareness undergirds — to return to where I began this rambling post — the mix of anger, uncertainty and guilt that I bring to the current debate over what the Bush Administration has done and failed to do, and how its members should be judged.

4 This is the Jack Goldsmith argument: while what Bush officials did may have been misguided and wrong, they did it out of a true fear of Islamic enemies, with the intent to protect us, perhaps even consistent with the citizenry's wishes. And while Douthat presents this view as some sort of candid and conflicted complexity, it isn't really anything more than standard American exceptionalism — more accurately: blinding American narcissism — masquerading as a difficult moral struggle.

5 The moral ambiguity Douthat thinks he finds is applicable to virtually every war crime. It's the extremely rare political leader who ends up engaging in tyrannical acts, or commits war crimes or other atrocities, simply for the fun of it, or for purely frivolous reasons. Every tyrant can point to real and legitimate threats that they feared.

Ask supporters of Fidel Castro why he imprisoned dissidents and created a police state and they'll tell you — accurately — that he was the head of a small, defenseless island situated 90 miles to the South of a huge, militaristic superpower that repeatedly tried to overthrow his government and replace it with something it preferred. Ask Hugo Chavez why he rails against the U.S. and has shut down opposition media stations and he'll point out — truthfully — that the U.S. participated to some extent in a coup attempt to overthrow his democratically elected government and that internal factions inside Venezuela have done the same.

Iranian mullahs really do face internal, foreign-funded revolutionary groups that are violent and which seek to overthrow them. Serbian leaders — including those ultimately convicted of war crimes — had legitimate grievances about the treatment of Serbs outside of Serbia proper and threats posed to Serbian sovereignty. The complaints of Islamic terrorists regarding U.S. hegemony and exploitation in the Middle East are grounded in factual truth, as are those of Gazan terrorists who point to the four-decades-old Israeli occupation. Georgia really did and does face external threats from Russia, and Russia really did have an interest in protecting Russians and South Ossetians under assault from civilian-attacking Georgian artillery. The threat of Israeli invasion which Hezbollah cites is real. Some Muslims really have been persecuted by Hindus.

But none of those facts justify tyranny, terrorism or war crimes. There are virtually always “good reasons” that can be and are cited to justify war crimes and acts of aggression. It's often the case that nationalistic impulses — or genuine fears — lead the country's citizens to support or at least acquiesce to those crimes. War crimes and other atrocities are typically undertaken in defense against some real (if exaggerated) threat, or to target actual enemies, or to redress real grievances.

But we don't accept that justifying reasoning when offered by others. In fact, those who seek merely to explain — let alone justify — the tyranny, extremism and/or violence of Castro, or Chavez, or Hamas, or Slobodan Milosevic or Islamic extremists are immediately condemned for seeking to defend the indefensible, or invoking “root causes” to justify the unjustifiable, or offering mitigating rationale for pure evil.

Yet here we have American leaders who now, more openly than ever, are literally admitting to what has long been known — that they violated the laws of war and international treaties which, in the past, we've led the way in advocating and enforcing. And what do we hear even from the most well-intentioned commentators such as Douthat? Yes, it was wrong. True, they shouldn't have done it. But they did it for good reasons: they believed they had to do it to protect us, to guard against truly bad people, to discharge their heavy responsibility to protect the country, because we were at war.

All of the same can be said for virtually every tyrant we righteously condemn and every war criminal we've pursued and prosecuted. The laws of war aren't applicable only in times of peace, to be waived away in times of war or crisis. To the contrary, they exist precisely because the factors Douthat cites to explain and

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mitigate what our leaders did always exist, especially when countries perceive themselves at war. To cite those factors to explain away war crimes — or to render them morally ambiguous — is to deny the very validity of the concept itself.

- 12 The pressures and allegedly selfless motivations being cited on behalf of Bush officials who ordered torture and other crimes — even if accurate — aren't unique to American leaders. They are extremely common. They don't mitigate war crimes. They are what typically motivate war crimes, and they're the reason such crimes are banned by international agreement in the first place — to deter leaders, through the force of law, from succumbing to those exact temptations. What determines whether a political leader is good or evil isn't their nationality. It's their conduct. And leaders who violate the laws of war and commit war crimes, by definition, aren't good, even if they are American.



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published in the December 1, 2008 issue of *America*.

## An End to Torture

### Maryann Cusimano Love

- 1 **S**ixty years ago, Eleanor Roosevelt and the U.S. government worked doggedly to create the Universal Declaration of Human Rights. Mrs. Roosevelt knew many successes in her long years of public service, yet she regarded the writing and passage of the Universal Declaration of Human Rights as her greatest accomplishment. She envisioned it as an international Magna Carta and Bill of Rights for people everywhere. She worked so hard (and drove others hard as well) that one delegate charged that the length of the drafting committee meetings violated his own human rights.

- 2 Like all other human organizations, the United States has a less than pure record on human rights. The same U.S. founding documents that set some souls soaring with language of universal rights also enslaved other human beings and defined them as property, while also excluding the female majority of the population

**Protecting human rights and prohibiting torture is practical and advances U.S. interests, especially security interests. By contrast, using torture undermines security.**

entirely. We the people have spent the last 232 years working to live up to the best and undo the worst of those founding documents. Protecting human rights and prohibiting torture is practical and advances U.S. interests, especially security interests. By contrast, using torture undermines security.

Whatever one thinks of Barack Obama, Sarah Palin or Hillary Clinton, the 2008 presidential election campaign was a historic move to open up our political life and

leadership to all. Eleanor Roosevelt was no starry-eyed idealist. As a woman, an advocate for the poor and the wife of a man with a disability, she knew that U.S. rhetoric on human rights often did not match reality. Lest she forget it, the Soviet and other Communist delegates to the United Nations continually reminded her. As she recounted it, they would point out some failure of human rights in the United States and ask, “Is that what you consider democracy, Mrs. Roosevelt?’ And I am sorry to say that quite often I have to say, ‘No, that isn’t what I consider democracy. That’s a failure of democracy, but there is one thing in my country: we can know about our failures and those of us who care can work to improve our democracy!’” Mrs. Roosevelt placed her faith in the transparency of our society and in the ready supply of everyday prophets who would challenge and overcome injustices.

### **What Would Eleanor Do?**

What would Mrs. Roosevelt make of the current U.S. debate over the use of torture in the war on terrorism? Article 5 of the Universal Declaration of Human Rights prohibits torture, unequivocally stating, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” So serious was this basic human right that the drafters placed it at the very beginning of the document, right after the articles stating that all human beings are free and equal and enjoy “the right to life, liberty and security of person.” Articles 6 to 11 guaranteed a person’s legal rights, including freedom from arbitrary arrest or detention, a right to an impartial trial and a presumption of innocence; these were the “easy” articles from the U.S. perspective. The harder rights for the United States, with its laissez-faire, capitalist economic system, were the social and economic rights tucked in at the end of the document, particularly Articles 23 and 25, which guarantee the right to a job, adequate compensation and an adequate standard of living, “including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Throughout the cold war, the United States repeatedly criticized violations by Soviet and Communist countries of the legal and political rights enumerated in the declaration. These countries returned fire by noting their “iron rice bowl,” a state-supported social safety net that they charged was lacking in the

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United States and other capitalist states.

5 The current torture debate has turned this history on its head. After the terrorist attacks of Sept. 11, 2001, the Bush administration retreated from the traditional U.S. stance against torture and argued instead for an American exception. Lawyers like John Yoo argued that a “new kind of war” against an enemy that has no regard for human rights excused the United States of its responsibilities as outlined in the Universal Declaration of Human Rights and in the Geneva Conventions. While never admitting to practicing torture, the Bush administration allowed and undertook what it characterized as “aggressive



■ Omar Khadr, a Canadian citizen who was 16 years old at the time, appears in multiple video screen grabs during a February 2003 interview in the Guantánamo Bay prison. His attorney and some human rights groups allege that Khadr was tortured.

interrogation techniques,” including waterboarding, sexual humiliation, attacks by dogs, sleep deprivation and so on. While some of the practices were later decried, particularly those atrocities captured on photos at the Abu Ghraib prison in Iraq, many others were doggedly defended (particularly by Vice President Dick Cheney) as necessary and helpful in the war on terror.

6 Not all members of the government defense and security communities were so convinced. Then-Secretary of State Colin Powell and State Department lawyers, as well as military JAG lawyers, fought the administration’s interpretations. They believed such interrogation techniques were illegal and counterproductive, undermining military morale and discipline, exposing U.S. troops and citizens to the risk of same or similar treatment, and undermining the standing of the United States around the world. So concerned were C.I.A. employees that they purchased insurance policies and urged Congressional action to protect them from lawsuits and legal liability should the political winds change and the actions they were being ordered to undertake be declared illegal.

7 Congress and the public largely acquiesced. Polls showed that pluralities of Americans (and among them, Catholics) believed torture to be permissible. Congressional action to rein in the administration was tepid. In order to avoid a presidential veto, Congress watered down more vigorous anti-torture legislation, never declared waterboarding and other administration-approved methods to be torture, and granted legal protections to government agents who used these aggressive techniques.



8 President Obama's administration will have to take up the torture debate. Most of the debate centered on whether particular "aggressive interrogation techniques" constituted torture, and whether particular actions taken by agents of the U.S. government (Defense Intelligence Agency, Central Intelligence Agency, military interrogators and government contractors) were legal, including foreign renditions to countries suspected of torture. Religious leaders like the U.S. Conference of Catholic Bishops and the National Religious Campaign Against Torture addressed the morality of torture by emphasizing the fundamental dignity of all human life, as expressed in the Universal Declaration, over the utilitarian view (that the ends of protecting the United States from acts of terror justified the means of violating the rights of suspected terrorists). Torture is a particularly problematic form of violence because it is inflicted by the very state that is supposed to be the protector and guarantor of human rights.

### Points Missing in the Public Debate

9 *First, torture is ineffective.* Philosophers and television shows erroneously propagate the scenario of the "bomb in a baby carriage": government agents apprehend a terrorist who knows when and where the next attack will take place; agents must stop the imminent attack; so they use torture to extract information quickly from the attacker. This model is wrong in almost all respects. Such "exquisite" intelligence as is depicted in prime time never exists in the real world. Instead, government agents never know exactly whom they have caught and what such persons know. Torture does not work because individuals respond in different ways to pain. Aggressive interrogation techniques can yield false information made up to satisfy interrogators and stop the pain. Instead of actionable intelligence that could stop the next attack, such false information wastes scarce government resources on wild goose chases. Even when government agents catch real terrorists, the application of coercive techniques may play into their apocalyptic visions of martyrdom, rather than "loosening lips."

10 *Second, torture is immoral,* even in a utilitarian calculus. Others besides suspected terrorists are harmed by torture. Arriving at the conclusion that "the end" of saving innocents from terrorist attack justifies the means of torture grossly underestimates the costs of torture to society, to our nation's military and legal institutions and to our role in the world. Those we ask to do the torturing are also harmed, sometimes irreparably. Our legal and political systems are harmed, as professionalism in the military and in law enforcement suffers. For this reason, military lawyers are among the strongest critics of torture. As Shannon E. French, formerly of the U.S. Naval Academy, notes in her book *The Code of the Warrior*, military professionals need ethical codes to work effectively and to differentiate themselves from barbarians and murderers. The United States has the strongest military on earth, and others come from far and wide to study and emulate U.S. military professionalism and codes of conduct. The ethical frameworks of the Universal Declaration of Human Rights, the military code of conduct and the Geneva Conventions protect not only innocent civilians but military personnel

themselves. Violating those norms puts Americans at risk for similar treatment. According to his killers, the contractor Nicholas Berg was beheaded in retaliation for torture at Abu Ghraib.

11 *Third, torture is impractical.* Protecting human rights and prohibiting torture is practical and advances U.S. interests, especially U.S. security interests. By contrast, using torture undermines U.S. security. The National Religious Campaign Against Torture acknowledges this in its call for the new president to issue an executive order banning torture ([www.nrcat.org](http://www.nrcat.org)). The war against terror is primarily a battle of ideas. Al Qaeda fights for the idea of the bankruptcy of modern and secular Islamic states allied with the West, while the United States fights for the idea that the tactic of terrorism, of intentionally killing civilians, is impermissible. The United States cannot effectively fight for a global norm while ignoring normative constraints. The United States cannot champion human rights abroad while ignoring them at Guantánamo. The United States certainly cannot do this with the world watching.

12 Military force is not the source of American power in the world today. The strength and attractiveness of U.S. ideals are at the basis of U.S. “soft power,” and torture undermines those. The debate is not between realists keen on protecting U.S. citizens and idealists who place human rights ahead of security concerns. As Eleanor Roosevelt knew 60 years ago, and a new administration must rediscover now, advancing human rights also advances U.S. interests and security.

## Debate 2: Same-Sex Marriage

“Interracial Marriage: Slippery Slope?” by La Shawn Barber (pp. 256–257)

“The Loving Decision” by Anna Quindlen (pp. 258–260)

“The Future of Marriage,” Editorial from *National Review* (pp. 260–261)

“The Right’s Contempt for Gay Lives” by Andrew Sullivan (pp. 261–263)

### Understanding the Debate over Same-Sex Marriage

Same-sex marriage — the right of gay couples to marry and enjoy all the legal rights and protections of married couples — has been the source of heated debate in the United States for decades. Much of the current conversation about same-sex marriage has centered around recent activity at the ballot box, in state legislatures, and in the courts. Ballot measures in November 2008 in California, Florida, and Arizona explicitly defined marriage as between one man and one woman or otherwise attempted to forestall measures designed to allow same-sex marriage. In early

2009, judicial and legislative decisions in Iowa, Vermont, and Maine specifically allowed same-sex marriage in those states.

As a result, some of the discussion around same-sex marriage — both in the articles collected here and elsewhere — centers around the relative merits of “majority rule” versus “judicial activism” when it comes to establishing or protecting rights. A good deal of discussion, particularly among opponents of same-sex marriage, rests on perceptions of what marriage has meant and should mean and how it differs from civil unions.

The issue is complex, and passions run high. In reading the four articles presented here, try to put aside your own preconceptions and weigh each argument on its own merits. The need to find common ground on this issue is more than just a classroom activity — most people would agree that, as with other divisive but significant issues, our future direction as a society depends on finding a resolution we can all live with.



LA SHAWN BARBER is a freelance writer whose writing about politics, faith, and culture has appeared in a variety of publications including the *Washington Post*, the *Washington Times*, *Christianity Today*, *Beliefnet.com*, and *National Review Online*. Barber has appeared on CNN’s “Reliable Sources” as well as MSNBC, National Public Radio, and Bill O’Reilly’s “The Radio Factor.” She also blogs at the American Civil Rights Institute blog and her own Web site, La Shawn Barber’s Corner ([www.lashawnbarber.com](http://www.lashawnbarber.com)). On her “Who Am I?” page, Barber tells us how to introduce her: “Don’t call her ‘African American.’ She *hates* that term. If you must refer to her race, call her ‘black.’ And La Shawn is not a Republican. She’s an independent conservative.” She posted the following essay arguing her position on same-sex marriage at [Townhall.com](http://Townhall.com) on June 11, 2007.

## Interracial Marriage: Slippery Slope?

LA SHAWN BARBER

Tomorrow marks the 40th anniversary of *Loving v. Virginia*, the landmark Supreme Court case that declared Virginia’s law against interracial marriage unconstitutional. 1

Mildred Jeter and Richard Loving had to leave their home state to marry. They exchanged vows in Washington, D.C., in June 1958, where there was no prohibition against interracial marriage. Shortly after returning to Virginia, the couple was arrested in their home and charged with “unlawful cohabitation.” 2

3 The court suspended sentence on the condition that the two leave the state  
and not return together for 25 years. In 1963, the Lovings filed a motion to vacate  
the judgment and set aside the sentence. Almost a year later, the court still hadn't  
ruled on the motion, and the couple filed a class action suit in federal court. The  
case eventually made its way to Virginia's highest court, which upheld the state's  
law against miscegenation and affirmed the convictions.

4 On June 12, 1967, the U.S. Supreme Court declared Virginia's anti-miscegenation  
statute unconstitutional. As marriage is defined as a union between a man and a  
woman, there was no "legitimate overriding purpose" to outlaw marriage between  
a white man and a black woman other than blatant racial discrimination. Racial  
classifications are suspect. For courts to uphold such classifications, states must  
demonstrate a "permissible state objective, independent of the racial discrimina-  
tion which it was the object of the Fourteenth Amendment to eliminate."

5 The court also found that Virginia's anti-miscegenation law violated the Due  
Process Clause: "To deny this fundamental freedom on so unsupportable a basis  
as the racial classifications embodied in these statutes . . . is surely to deprive all  
the State's citizens of liberty without due process of law."

6 Ironically, Democrats created laws prohibiting interracial marriage. After the  
Civil War, states enacted laws called Black Codes in response to the emancipation  
of slaves, which restricted the rights of newly freed slaves to own or rent farmland,  
vote, sit on juries, testify against white men, sue, enter into contracts, and inter-  
marry with whites. Republicans opposed the laws and wanted to pass the Civil  
Rights Bill, but Democratic president Andrew Johnson refused. The rest is well  
documented history.

7 Homosexuals have cited *Loving v. Virginia* and the modern civil rights move-  
ment to argue for marriage between two men. Aside from the moral outrage this  
should generate in the black community but doesn't, marriage between a man and  
woman of different races and marriage between people of the same sex aren't  
comparable at all.

8 The goal of interracial marriage bans and legalized segregation was to main-  
tain a subordinate class of citizens based on race. The goal of same-sex marriage  
bans is to protect traditional marriage, not maintain a subordinate class based on  
"sexual orientation." One would be hard-pressed to argue that homosexuals in  
America are second-class citizens.

9 Marriage is a legal union and social institution recognized by the states as serv-  
ing fundamental purposes: providing structure for family formation and rearing chil-  
dren, and acting as a stabilizing influence that benefits the whole society. Changing  
the definition to include the union of two men and two women opens the door to legal-  
izing increasingly deviant unions. Marriage will cease to have any meaning at all.

10 For instance, if we extend marriage to same-sex couples, on what grounds  
can we deny the same to three people? Or 10? Or close relatives? Or adults and  
children? It makes a mockery of marriage.

11 Individuals are worthy of equal treatment under the law, regardless of race,  
but an individual's lifestyle choices are not.



ANNA QUINDLEN is a prolific and nationally acclaimed writer. She has written many novels for adults and children, including *One True Thing* (1994) and *Black and Blue* (1998), both of which were also made into movies. Among Quindlen's nonfiction books are *A Short Guide to a Happy Life* (2000) and several collections of essays reprinted from her Pulitzer Prize-winning *New York Times* column. As a contributing editor for *Newsweek* magazine, Quindlen writes a regular column in

which the following essay arguing her opinion on same-sex marriage originally appeared on November 12, 2008.

## The Loving Decision

### Anna Quindlen

Same-sex marriage was beaten back at the ballot box. Now here's a history lesson on why victory is inevitable in the long run.

One of my favorite supreme court cases is *Loving v. Virginia*, and not just because it has a name that would delight any novelist. It's because it reminds me, when I'm downhearted, of the truth of the sentiment at the end of "Angels in America," Tony Kushner's brilliant play: "The world only spins forward."

**Same-sex marriage was beaten back at the ballot box. Now here's a history lesson on why victory is inevitable in the long run.**

Here are the facts of the case, and if they leave you breathless with disbelief and rage it only proves Kushner's point, and mine: Mildred Jeter and Richard Loving got married in Washington, D.C. They went home to Virginia, there to be rousted out of their bed one night by police and charged with a felony. The felony was

that Mildred was black and Richard was white and they were therefore guilty of miscegenation, which is a \$10 word for bigotry. Virginia, like a number of other states, considered cross-racial matrimony a crime at the time.

It turned out that it wasn't just the state that hated the idea of black people marrying white people. God was onboard, too, according to the trial judge, who wrote, "The fact that He separated the races shows that he did not intend for the races to mix." But the Supreme Court, which eventually heard the case, passed over the Almighty for the Constitution, which luckily has an equal-protection clause. "Marriage is one of the basic civil rights of man," the unanimous opinion striking down the couple's conviction said, "fundamental to our very existence and survival."

That was in 1967.

6 Fast-forward to Election Day 2008, and a flurry of state ballot propositions to  
outlaw gay marriage, all of which were successful. This is the latest wedge issue of  
the good-old-days crowd, supplanting abortion and immigration. They really put their  
backs into it this time around, galvanized by court decisions in three states ruling  
that it is discriminatory not to extend the right to marry to gay men and lesbians.

7 The most high-profile of those rulings, and the most high-profile ballot proposal,  
came in California. A state court gave its imprimatur to same-sex marriage in June;  
the electorate reversed that decision on Nov. 4 with the passage of Proposition 8,  
which defines marriage as only between a man and a woman. The opponents of gay  
marriage will tell you that the people have spoken. It's truer to say that money talks.  
The Mormons donated millions to the anti effort; the Knights of Columbus did, too.  
Like the judge who ruled in the Loving case, they said they were doing God's bid-  
ding. When I was a small child I always used to picture God on a cloud, with a beard.  
Now I picture God saying, "Why does all the worst stuff get done in my name?"

8 Just informationally, this is how things are going to go from here on in: two  
steps forward, one step back. Courts will continue to rule in some jurisdictions that  
there is no good reason to forbid same-sex couples from marrying. Legislatures  
in two states, New York and New Jersey, could pass a measure guaranteeing the  
right to matrimony to all, and both states have governors who have said they would  
sign such legislation.

9 Opponents will scream that the issue should be put to the people, as it was  
in Arizona, Florida and California. (Arkansas had a different sort of measure,  
forbidding unmarried couples from adopting or serving as foster parents. This will  
undoubtedly have the effect of leaving more kids without stable homes. For shame.)  
Of course if the issue in Loving had been put to the people, there is no doubt that  
many would have been delighted to make racial intermarriage a crime. That's why  
God invented courts.

10 The world only spins forward.

11 "I think the day will come when the lesbian and gay community will have  
its own *Loving v. Virginia*," says David Buckel, the Marriage Project director for  
Lambda Legal.

12 Yes, and then the past will seem as preposterous and mean-spirited as the  
events leading up to the Loving decision do today. After all, this is about one of the  
most powerful forces for good on earth, the determination of two human beings to  
tether their lives forever. The pitch of the opposition this year spoke to how far we  
have already come — the states in which civil unions and domestic partnerships  
are recognized, the families in which gay partners are welcome and beloved.

13 The antis argued that churches could be forced to perform same-sex unions,  
when any divorced Roman Catholic can tell you that the clergy refuse to officiate  
whenever they see fit. They argued that the purpose of same-sex marriage was  
the indoctrination of children, a popular talking point that has no basis in reality.  
As Ellen DeGeneres, who was married several months ago to the lovely Portia  
de Rossi (great dress, girl), said about being shaped by the orientation of those  
around you, "I was raised by two heterosexuals. I was surrounded by heterosexu-  
als. Just everywhere I looked: heterosexuals. They did not influence me." As for

the notion that allowing gay men and lesbians to marry will destroy conventional marriage, I have found heterosexuals perfectly willing to do that themselves.

The last word here goes to an authority on battling connubial bigotry. On the anniversary of the Loving decision last year, the bride wore tolerance. Mildred Loving, mother and grandmother, who once had cops burst into her bedroom because she was sleeping with her own husband, was quoted in a rare public statement saying she believed all Americans, “no matter their race, no matter their sex, no matter their sexual orientation, should have that same freedom to marry.” She concluded, “That’s what *Loving*, and loving, are all about.”

14



*National Review* describes itself as “America’s most widely read and influential magazine and web site for Republican/conservative news, commentary, and opinion.” It was founded by William F. Buckley Jr. and is currently edited by Rich Lowry. The following essay was published in the *National Review Online* on April 8, 2009. A slightly different version was published in the May 4, 2009, print edition of the *National Review* under the title “Marriage and Civilization.”

## The Future of Marriage

NATIONAL REVIEW EDITORIAL

One of the great coups of the movement for same-sex marriage has been to plant the premise that it represents the inevitable future. This sense has inhibited even some who know perfectly well that marriage is by nature the union of a man and a woman. They fear that throwing themselves into the cause of opposing it is futile — worse, that it will call down the judgment of history that they were bigots.

1

Contrary to common perception, however, the public is not becoming markedly more favorable toward same-sex marriage. Support for same-sex marriage rose during the 1990s but seems to have frozen in place (at least according to Gallup) since the high court of Massachusetts invented a right to same-sex marriage earlier this decade.

2

Our guess is that if the federal judiciary does not intervene to impose same-sex marriage on the entire country, we are not going to see it triumph from coast to coast. Rather, we will for some time have a patchwork of laws. The division will not be so much between socially liberal and conservative states as between those states where voters can amend their state constitutions easily and those where they cannot. Thus same-sex marriage is likely to stay the law of the land in Massachusetts, Iowa, and Vermont, and perhaps also in New Hampshire.

3



4 In two of those states, at least, democratic procedure is now being respected. Vermont has chosen to recognize same-sex marriages legislatively, and New Hampshire may do so. Other states, such as Connecticut, have legislated recognition of civil unions for same-sex couples. While free from the taint of lawlessness, these decisions seem to us unwise. Few social goods will come from recognizing same-sex couples as married. Some practical benefits may accrue to the couples, but most of them could easily be realized without changing marriage laws. Same-sex couples will also receive the symbolic affirmation of being treated by the state as equivalent to a traditional married couple — but this spurious equality is a cost of the new laws, not a benefit. One still sometimes hears people make the allegedly “conservative” case for same-sex marriage that it will reduce promiscuity and encourage commitment among homosexuals. This prospect seems improbable, and in any case these do not strike us as important governmental goals.

5 Both as a social institution and as a public policy, marriage exists to foster connections between heterosexual sex and the rearing of children within stable households. It is a non-coercive way to channel (heterosexual) desire into civilized patterns of living. State recognition of the marital relationship does not imply devaluation of any other type of relationship, whether friendship or brotherhood. State recognition of those other types of relationships is unnecessary. So too is the governmental recognition of same-sex sexual relationships, committed or otherwise, in a deep sense pointless.

6 No, we do not expect marriage rates to plummet and illegitimacy rates to skyrocket in these jurisdictions over the next decade. But to the extent same-sex marriage is normalized here, it will be harder for American culture and law to connect marriage and parenthood. That it has already gotten harder over the last few decades is no answer to this concern. In foisting same-sex marriage on Iowa, the state’s supreme court opined in a footnote that the idea that it is best for children to have mothers and fathers married to each other is merely based on “stereotype.”

7 If worse comes to worst, and the federal courts sweep aside the marriage laws that most Americans still want, then decades from now traditionalists should be ready to brandish that footnote and explain to generations yet unborn: That is why we resisted.



ANDREW SULLIVAN, a self-identified gay Catholic conservative, has written extensively about politics and culture. He has written several books, including *The Conservative Soul: Fundamentalism, Freedom, and the Future of the Right* (2006), and edited *Same-Sex Marriage: Pro and Con* (2004), a collection of argument essays. He is a senior editor at the *New Republic* and writes a popular blog, “The Daily Dish,” which originally appeared at Time.com and is now published by the *Atlantic* online. He has appeared on numerous television and radio talk shows, including *The Colbert Report*, *Meet the Press*, *The O’Reilly Factor*, and *Real Time with Bill Maher*. He wrote the following blog post on April 8, 2009, in response to the *National Review* editorial that appears on pages 260–261.

## The Right's Contempt for Gay Lives

ANDREW SULLIVAN

*National Review's* new editorial comes out firmly against even civil unions for gay couples, and continues to insist that society's exclusive support for straight couples is designed "to foster connections between heterosexual sex and the rearing of children within stable households."

This is an honest and revealing point, and, in a strange way, it confirms my own analysis of the theocon position. It reaffirms, for example, that infertile couples who want to marry in order to adopt children have no place within existing marriage laws, as *NR* sees them. Such infertile and adoptive "marriages" rest on a decoupling of actual sex and the rearing of children. The same, of course, applies much more extensively to any straight married couple that uses contraception: they too are undermining what *National Review* believes to be the core reason for civil marriage. Now, you could argue — and I suspect *NR's* editors would — that society nonetheless has a role in providing moral, social and legal support for couples with children, however those children came about, and to provide "a non-coercive way to channel (heterosexual) desire into civilized patterns of living." I agree with this, actually, which is why I do not want to alter or weaken traditional marriage in any way, and regard it as a vital social institution that deserves our support.

But what of "channeling homosexual desire into civilized patterns of living?" Ah, there's the rub.

*National Review* clearly believes that gays exist beyond the boundaries of civilized life, or even social life, let alone the purview of social policy. But, of course, a total absence of social policy is still a social policy. And such a social policy — leaving gay people outside of existing social institutions, while tolerating their existence — has led to some rather predictable consequences. We have, for example, lived through a period in which around 300,000 young Americans died of a terrible disease that was undoubtedly compounded by the total lack of any social incentives for stable relationships. Imagine what would happen to STD rates or legitimacy rates if heterosexual marriage were somehow not in existence. Do you think that straight men would be more or less socially responsible without the institution of civil marriage?

This is not to deny the responsibility of those of us who contracted HIV. It is to make the core conservative case that culture matters, and that in so far as we can non-coercively encourage and support committed relationships, society, which includes gay people, will be better off. But *National Review*, stunningly, regards the well-being, health and flourishing of gay people as unworthy of any attention at all. Here is the passage that reflects the core homophobia — and yes, I see no alternative to using that word — in that magazine:

Same-sex couples will also receive the symbolic affirmation of being treated by the state as equivalent to a traditional married couple — but this spurious

equality is a cost of the new laws, not a benefit. One still sometimes hears people make the allegedly “conservative” case for same-sex marriage that it will reduce promiscuity and encourage commitment among homosexuals. This prospect seems improbable, and in any case these do not strike us as important governmental goals.

Ponder those sentences for a moment. The fact that gay Americans may feel equal because of inclusion within their own families and societies is now a cost to society, not a benefit. Encouraging commitment, fewer partners, and greater responsibility are important governmental goals with respect to heterosexuals but not with respect to homosexuals. As far as *National Review* is concerned, homosexuals can go to hell. Their interests and views cannot even be accorded respect. They are non-persons to *National Review*: means, not ends.

6 Flip this around and you see what the theon right actually believes: that society has no interest in the welfare of its gay citizens, and an abiding interest in ensuring that they remain unequal, feel unequal and suffer the consequences of a culture where family and commitment and fidelity are non-existent. And they write this within living memory of an appalling and devastating plague. This is how the social right is responding to our times, and to put it personally, my life and the lives and deaths of countless others. One day, they will understand the callousness and bitterness and willful ignorance they currently represent. As civilized society leaves them increasingly behind.