Editors' Introduction

Raymond J. Michalowski and Ronald Kramer

THE ELECTION OF BILL CLINTON CAUSED MILD CELEBRATION AMONG SOME PROgressives, although much of it was a momentary euphoria over the apparent end to the Reagan–Bush nightmare rather than real excitement over Clinton himself. Nevertheless, there was also some genuine optimism that Clinton's election might provide an opportunity for at least some progressive social change. Clinton had not been the first choice for many progressives, although his age, his flair for a rhetoric that sounded pleasantly liberal after years of conservative pronouncements from the White House, his opposition to the war in Vietnam, and the simple fact that he was not a Republican offered some hope that the next four years of national politics might be different from the preceding 12.

Others on the Left, perhaps more realistic or more cynical, argued that given Clinton's record in Arkansas and the realities of the corporate-state power system in the United States, the 1992 election represented no real progressive opening. Any hope for progressive social change under President Clinton was, in the words of Norman Solomon (1994), a "false hope." Solomon charged that despite the pleasant rhetoric about humanistic priorities and social change, Bill Clinton would continue to serve elite interests and do little to alter the status quo.

During the first two years of the Clinton administration, progressives continued to debate whether to support Clinton as the lesser of two evils — the only immediately available avenue for any social change — or to vigorously attack his policies in an effort to push him leftward. As the first two years unfolded, even the president's supporters grew increasingly disappointed with, and frustrated over, his conservative social and economic program, his waffling on important political issues, his constant capitulation to the Republicans in Congress, and an overall uncertain style of leadership.

This special issue of *Social Justice* was conceptualized during the early

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debates about the likely impact of the Clinton administration on justice in the United States. Our plan was to assemble articles that would assess what was happening in various public policy areas under the leadership of the Clinton administration and that would speculate on at least the near-term trajectory for social justice in the United States.

Since the call for papers went out last year, several events have transpired to change the political landscape in the United States. First, the 1994 elections saw the Republican Party, led by ultra-conservative shock troops, capture control of both the House and the Senate for the first time in over a generation. In the House, the "Newtonian revolution" and the infamous "Contract with America" ushered in a new period of mean-spirited, anti-woman, anti-working class, and pro-capitalist social policy aimed at further punishing the poor and powerless while enriching the wealthy and the privileged. Second, the devastating destruction of a Federal Building in the U.S. heartland, apparently by home-grown, right-wing extremists, demonstrated the true extent to which the nation is vulnerable to terrorism.

These two events have transformed what passes for mainstream public political discourse from conservative to ultra-conservative in tone. This discourse revolves around a common refrain, repeated endlessly on right-wing talk radio, that "government," particularly the Clinton government, is the enemy. Conservative and right-wing politicians, no less than more liberal ones, decry the horror of Oklahoma City. Nevertheless, as right-wing, anti-government rhetoric became mainstream discourse in Congress and among political action groups such as the NRA, the right-wing fringe has been empowered and emboldened.

These political attacks on "government" are predictable. Decades of intensive business propaganda have convinced the majority of U.S. citizens that the government is the source of their problems, from declining wages (due to government failure to control immigration), to white male joblessness (due to affirmative action), to deteriorating schools (due to desegregation). As Noam Chomsky (1994: 177) has noted: "...the government [is] the only power structure in the system that is even partially accountable to the population, so naturally [they] want to make that be the enemy, not the corporate system, which is totally unaccountable."

Despite their discernible weakness and ties to the same system of corporate power, Clinton and the Democratic Party are still viewed by many of the wealthy and privileged as supporters of the profit-draining welfare state and also as potentially dangerous because of their accountability, however limited, to less-privileged sectors of society. Thus, they must be neutralized, preferably by propaganda and votes rather than by bombs, but neutralized nonetheless. Clinton, whose rightward turn began not long after the election, has been forced even further away from his progressive promises given the ultra-conservative political shift signaled by the 1992 election that was in turn heightened by the Oklahoma bombing.

Given the demonization of government in general and President Clinton in particular, as well as the political events of the past year, many progressives are reassessing their position concerning the Clinton administration. Bill Clinton actually looks good next to Phil Gramm, G. Gordon Liddy, and the militiamen. At the very least, there is some confusion over how progressives should respond to the current situation. Should progressives support the beleaguered president and the few decent impulses generated by his administration? Should a third party movement be pursued as an alternative to the center-right Democratic option, despite the historic inability of third parties to accomplish much except to guarantee the election of the candidates they least support (e.g., Ross Perot's contribution to Clinton's election victory). Or should those of us committed to progressive agendas withdraw from all but the most local forms of activism, in an attempt to ride out the right-wing storm and prepare to rebuild a movement from what is left after its destructive force is spent?

Our approach to these questions, indeed a bedrock principle for us, is that progressives must enter into the politics of state power. Our refusal to participate in this process constitutes a self-defeating surrender of large portions of the political arena to right-wing forces without a struggle. We recognize that there are several clear dangers in seeking to implement change through normal routes of state power. However, we believe, along with Chomsky (1994: 177–178), that although "government is authoritarian and commonly a hostile structure for much of the population...it is partially accountable and potentially very extensively accountable to the general population."

To enter into this political struggle, we must asses what the current administration has, and has not, accomplished with regard to specific issues of social justice. We must also carefully consider the principles on which we would construct alternatives. The articles in this special issue, we hope, provide a start to such a project.

The issue is divided into three sections. The first addresses "The Social Philosophy of Punishment," the second "Access and Openness," and the third, "Crime and Justice." The first section opens with an important article on how we can think about human relations and human responsibility. In this article, James F. Doyle presents a radical philosophical critique of punishment. He draws a contrast between the "ethics of obligation" and the "ethics of social relations" as radically different normative approaches to law and criminal punishment. As Doyle makes clear, the ethics of obligation informs current criminal justice punishment strategies, while the ethics of social relations, based on a more social and contextual view of how people are related to each other, offers a strong challenge to these practices. Doyle also demonstrates that the Clinton administration continues to operate almost exclusively under the ethics of obligation. Though Doyle's argument focuses on punishment, it opens up a broader horizon about how we can think about social justice in all aspects of human relations.

Jonathan Simon's article, "They Died with Their Boots On: The Boot Camp and the Limits of Modern Penality," continues the philosophical discourse on current practices of punishment. The Clinton administration, with its ethics of obligation, has been a strong supporter of penal boot camps. The 1994 crime bill contains $150 million for grants to the states to fund alternatives to traditional incarceration, specifically including boot camps. While preliminary findings suggest that boot camps are not very effective in either reducing recidivism or costs, their continuing popularity provides Simon with an empirical focus for a discussion of modern penality and its limits. According to Simon, although there is much about the boot camp that signals the continuity of the modern in punishment, an alternative interpretation, which he presents in great detail, is to view boot camps as an exercise in "willful nostalgia," a sensibility that is a crucial marker of the postmodern for many scholars. In the course of his analysis, he contrasts "classical nostalgia" with the postmodernist "willful nostalgia." One of Simon's most important conclusions is that though classical nostalgia often provided the grounds for a critical inspection of present practices, the willful nostalgia of the boot camp has the opposite tendency of reinforcing complacency with the present while providing inertia against any real change.

The second section — "Access and Openness" — contains two articles that focus on the issue of access to the federal government. If Chomsky's argument that government is potentially accountable to the population is to have any real meaning, the government must be accessible to those it governs. The two articles in this section demonstrate that the Clinton administration has increased this public access to some degree through the expansion of voting rights and by advancing the cause of the Freedom of Information Act.

In the section's first article, Marsha Woodbury analyzes Bill Clinton and Janet Reno's record with regard to the Freedom of Information Act. Woodbury reviews the origins and development of FOIA, the many ways in which Presidents Reagan and Bush restricted its operation, and the bureaucratic and judicial obstacles that block the process of obtaining information. She then describes the strong vocal support of Clinton and Reno for FOIA, their actions to enhance its effectiveness in the new administration, and the very real improvements that have resulted. Nevertheless, as Woodbury notes, despite their political rhetoric and some actual gains, the Clinton administration, like the ones before it, has a less than sterling record in dealing with specific requests for information concerning a number of sensitive topics. The most challenging part of Woodbury's analysis points to the underlying structural constraints to real freedom of access to government documents and to the reality that, because the FOIA's biggest users are corporations, it is corporations rather than public groups who may be the ultimate beneficiaries of expanded FOIA powers.

In "The Politics of Inclusion: Voting Rights Under the Clinton Administration," Frederic Solop and Nancy Wonders explore the historical developments

that culminated in the passage of the National Voter Registration Act of 1993. This act, which expands ballot access by making voter registration services more widely available, became law because of President Clinton's strong support. George Bush had vetoed a similar bill the year before. Although President Clinton's support of the law was critical, Solop and Wonders also give much credit to the efforts of a broad-based movement of people seeking to open up the political system. Their detailed historical analysis highlights the actions of grass-roots organizations and legislators who propelled the movement for greater inclusion in the electoral process. Like Woodbury's contribution, that of Solop and Wonders also raises disturbing implications. Specifically, their analysis questions whether increased voter participation will lead to real empowerment for disenfranchised minorities, or if, in a general right-wing climate, it will only bring more conservative voters to the polls.

The final section contains three articles and a book review focused on "Criminal Justice Under Clinton." All are highly critical of the president's performance in this area. While the articles dealing with the politics of inclusion and access demonstrate that President Clinton has had at least some positive impact in these areas, the articles on "Criminal Justice Under Clinton" find the administration's record on crime prevention and crime control disappointing at best and dismal at worst. Each of these articles provides evidence for Doyle's assertion in the first article that Clinton continues to operate under an ethics of obligation that provides strong normative support for punishment, little support for prevention, and almost no support for the social reintegration of lawbreakers.

Our contribution to this special issue, "The Iron Fist and the Velvet Tongue: Crime Control Policies in the Clinton Administration," examines Bill Clinton's actions on the crime-control issue from the campaign of 1992 to the passage of the crime bill in 1994. What we find is that although President Clinton speaks, quite eloquently at times, about preventing crime by addressing its fundamental root causes, the actual legislation and policies his administration has supported are not significantly different from those of his conservative predecessors. We conclude that, in the short term, we are left with nothing more than Bill Clinton's velvet tongue — an occasional change in some of the political rhetoric about crime control. However, this change in rhetoric, we argue, may provide a space for progressives to reenter and challenge the current public discourse about crime control if used effectively.

In "Another Lost War: The Costs and Consequences of Drug Prohibition," Bill Chambliss critiques the current War on Drugs. This "war," supported by Clinton almost as vigorously as by Reagan and Bush, has criminalized an entire generation of young minority men and women, institutionalized racism in criminal justice practices, and created widespread corruption in politics and law enforcement. When former U.S. Surgeon General Jocelyn Elders suggested that the government look at the experience of other countries that had decriminalized

drugs, the Clinton White House quickly and forcefully rejected the idea out of hand. Chambliss asks why the administration refused to even consider Elder's suggestion, and analyzes the political, economic, and social changes in the U.S. that have made what appears to be an irrational drug policy quite rational from the perspective of certain groups in power.

"Doomed to Repeat Our Errors: Fraud in Emerging Health-Care Systems," by Paul Jesilow, Gil Geis, and John Harris, examines how professional and corporate crime has become a routine player in the health-care industry. They begin with a review of the bungled Clinton plan for health-care reform. The failure of this plan, they argue, in no way signals a future devoid of important changes in how the health-care industry operates. Many changes are already in progress, and almost all depend upon a "third party payer" system. This system, Jesilow, Geis, and Harris contend, has been the most significant source of fraud and waste in the delivery of medical services in the past and will occur even more perniciously in the quickly changing health-care industry. One important trend they detect is the rise of new health-care corporations that will prove more formidable legal opponents for the justice system than have individual practitioners in the past. They also note that just as efforts to control the crimes of privileged physicians and corporate executives have been limited in the past, this will also be the case in the crime-ridden health-care system of the future.

The final piece in this section is a review by Robert P. Weiss of Tony Poveda's book, *Rethinking White-Collar Crime*, which is a critical survey of the nature, etiology, and control of white-collar crime in the United States. Weiss argues that Poveda's project to "rethink" white-collar crime couldn't be more timely. As the pendulum of class justice today swings high on the side of the rich and powerful, white-collar crime remains invisible relative to other types of crime, and public concern and the criminal law have been riveted almost exclusively on crimes of the poor.

Taken together, these contributions provide at least a partial assessment of the Clinton administration's record on justice issues to date. We hope they also provide a stimulus for thinking in creative, progressive ways about how we can continue the struggle for social justice and play effective roles in shaping public policy during the difficult political times ahead.

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