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***Community Identity and
Its Critics:***

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for the Rest of Us***

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Community Identity and Its Critics:

Lessons from Cedar Hills for the Rest of Us

by Paul T. Mero

Around 7,800 people reside in the City of Cedar Hills, Utah. It sits in a northeast corner of Utah County, probably the most densely populated spot of Mormondom on the planet. In fact, its relatively unanimous Mormon population is probably its most distinguishing characteristic; that, and it prohibits the sale of alcohol and Sunday commercialism.

As distinguishing as these characteristics are, they are not unique. There are plenty of other Mormon enclaves dotting the planet and there are plenty of other cities that ban alcohol sales and Sunday commercialism.

And, just like in every one of those other places, these characteristics are open to change. Populations shift and so does public opinion. Changing opinions are the least surprising. We're all human; we can change our minds, and often do so for no particular reason. Or not. Sometimes a local tradition and culture hangs on for dear life.

The mop often flops in a democracy. It is what we expect. But, evidently, not all of us. Sometimes traditional folk resist change; sometimes progressive folk over-react to the resistance. Such drama is currently unfolding in tiny, but resilient, Cedar Hills where, on June 28, some level of democracy will decide whether or not the city will continue to prohibit the sale of alcohol and Sunday commercialism.

This pending vote is the result of the mayor and a good portion of the city council giving a wink and a nod to a local grocery chain to become the first commercial business to come to town – and to sell alcohol and open for business on Sunday. Some Cedar Hills residents did not appreciate this betrayal of local history and tradition. Hence, a referendum.

In an otherwise routine and common display of local democracy, for us outsiders, the most interesting thing here is not the inevitable drama between neighbors debating the pros and cons of liquor and the sanctity of Sabbath days. Again, such excitement is a healthy and universal experience not limited to Cedar Hills. Most interesting in this case are the sparks of anti-democratic behaviors that portend ugly trends that surely will effect the rest of us if we are not careful. Worse still is when these anti-democratic elements spring from a supposed defender of democracy: the press.

Such is the case with the *Provo Daily Herald* editorial page regarding their unjustified and egregious attack on the residents of Cedar Hills.

In three separate editorials to date (April 28, May 1, and May 6) the *Herald* editors have gone bug-eyed crazy over how the residents of Cedar Hills are destroying our democratic way of life. These editors have used three of the longest editorials they have ever written to call those good folks all sorts of names and accuse them of all sorts of un-American activities.

According to these *Herald* editors, the residents of Cedar Hills are: self-righteous, wet blankets, persecutors, unlawful, members of the Taliban, compulsory, religious radicals, anarchists, an angry mob, intolerant, suppressors of rights, civil disobedients, disrespectful, misguided, subversives of civil order, moral superiors (meant as a bad thing), moralistic, not “regular” people, and disruptive.

Wow!

Civility in public discourse gets hard sometimes – like this time. While the First Amendment allows such uncivil attacks on the community identity of the residents of Cedar Hills, it does not mean that a crime hasn’t been committed. The *Herald* editors are guilty here of editorial crimes against logic and reason, not to mention against plain decency toward their neighbors. Their editorial arguments as to why Cedar Hills cannot be Cedar Hills (whatever that is) are patently fallacious and absurd.

Why do we care? Because if Cedar Hills isn’t allowed to be whatever its citizens make of it, then local autonomy and pluralism are in jeopardy, as is the right of a community to self-determination (a huge issue in Mormon history). And absent autonomy and pluralism, we are no longer a free people. The *Herald* editors know this – and evidently do not care.

The “Threat to Democracy” Argument

The *Herald* editors fear civic involvement by those with whom they disagree. They write, “Rather than work within the political system through elected representatives (who, together, speak for the majority), coalition leaders took it upon themselves to actively break down the city’s decision through civil disobedience.”

Civil disobedience? No doubt the good people of Cedar Hills will indeed “work within the political system” come election time, both in June for the referendum and, again, when the mayor and city council come up for reelection. In the meantime, the proverbial train seemed to be leaving the station and not everyone was onboard. Far from civil disobedience, what those good citizens of Cedar Hills did was an act of true citizenship – they acted sufficiently to trigger their local political system into timely service, the same political system the *Herald* editors accuse them of betraying.

These editors take umbrage over citizen actions to provide alternatives to the dichotomy created by the mayor and city council. Again, far from civil disobedience, these citizens were simply exercising the forethought that should have been at play within the mayor’s office and the city council. After all, if it is simply commerce that was wanted, then why not commerce that would also maintain community standards in the process? The choice was never either/or, except as crafted by the politicians. These good citizens of Cedar Hills proved, to the great embarrassment of their politicians, that commerce could be found that would agree to maintain community standards.

What the *Herald* editors call civil disobedience is nothing more or less than civic responsibility – good citizens see a need and then meet it. This sort of private initiative is seen by the *Herald* editors as “misguided democratic philosophy.” In this case, democracy worked like a charm but because the result is not going the editors’ way they think this exemplary citizenship is “misguided.”

The unfortunate truth about participatory democracy is that our elected officials do not always get it right and do not always accurately represent the majority (or the minority) and the system allows for course corrections. This was one of those times. It does not happen very often. But it does happen. Contrary to the hand-wringing of the *Herald* editors, this citizen action will not lead to the “need to convene a town meeting” every time the city council looks to make a decision. This was just one case where the perception of a government decision was so out of touch with community standards, and a solution so

limited in scope, that outside involvement was generated. Another way to say this is that the mayor and city council brought it on themselves. Thank our founding fathers for a system of checks and balances that allows for such civic involvement and course corrections!

The “Revenue” Argument

When it comes right down to it maybe the debate in Cedar Hills is all about money. Follow the money trail. Not that commercialism is inherently bad, but maybe some residents have a stake in introducing business to Cedar Hills? Perhaps some politicians there have an interest in promoting government solutions to everything and need new businesses to generate more tax revenue to do it.

The *Herald* editors have even stooped to invoking the recent mudslide damage on four homes in Cedar Hills as an excuse to allow commercialism to gain new tax revenues to pay for the havoc of natural disasters. Without new tax revenue, they ask, “where will the money come from” to clean up the mess?

Good question. Well, actually their example is stupid, but it does raise a good point about how city infrastructure is paid for. Commercialism is one answer; a vibrant business community can help pay for city infrastructure. But a vibrant business community would bring problems of its own, problems that the residents of Cedar Hills, a city never intending to compete for business in Utah, might simply want to avoid.

Unfortunately, many business, if the rest of Utah is any example, suffer from the same problem as most of us – we always seem to want something for nothing – and, if the rest of Utah is any example, new businesses in Cedar Hills would undoubtedly invoke a never-ending list of demands on those taxpayers to subsidize their interests. In this day and age, and sadly, with the current mind-set of many Utah businessmen and women, the road to commercial Utopia is paved with tax subsidies, exemptions, and exceptions.

Then again, maybe not; maybe commercialization in Cedar Hills would be led by businessmen and women who accept the free market. You never know. Further, perhaps the good people of Cedar Hills actually want their community to be just like Provo or Salt Lake City with lots of taxes, lots of commercialism, lots of traffic, etc. Then again, maybe they don’t want the headaches that come with commercial growth. Perhaps they don’t want to be the kind of city that would elect Rocky Anderson to be its mayor. Perhaps they don’t want the mess of government confusion that perpetually afflicts the residents of Provo.

The residents of Cedar Hills might want to stay the way they are: a peaceful and abundant community without all of the hassles and conflicts of taxes and bigger government.

The “Religious” Argument

The *Herald* editors condemn the influence of religious sentiment in the making of public policy. The religious argument is perhaps the most vile and specious case made by these editors. No doubt that if C.S. Lewis were alive he would have a field day writing about them – the editors as “Uncle Wormwood” and “Screwtape.” Secular humanism is a very unattractive ideology to people who actually believe in God to any degree.

We see it all around us. The state must be neutral, these humanists say, in matters of religious belief and any law based upon a religious belief, directly or indirectly, is irrational and must be held unconstitutional. Secular humanist organizations make their living pushing this thinking; the *Herald* editors use it like a club on the good folks of Cedar Hills to bash religious sentiments and legitimate community standards.

Truth is, religious or moral beliefs permeate our laws and this fact is a conundrum for secular humanists. On the one hand, they eschew moral reasoning and, on the other hand, they desperately require a moral justification to impose their secularism on others. Typically, they turn to utilitarian ideals for justification. This works for them because utilitarianism precludes all religious or moral reasons for doing something while substituting a secular imperative when needed. Take murder. Presumably they don't like murder, but to admit that proscriptions to it are derived from religious and moral law would sting. So they invent secular reasons as to why murder is pernicious; that is, they simply invoke a hollow moral code (e.g., it's a violation of someone's civil rights) without any pretense of an original moral basis.

The *Herald* editors play the secular card to a tee. Likening those good citizens of Cedar Hills to the Taliban, which, on its face, is one of the ugliest and most offensive things they could say (i.e., comparing these Utahns to the people that blew up the Twin Towers in New York City), the *Herald* editors insist that their democratic actions are oppressive and radical. In other words, by referring to them as the Taliban, the *Herald* editors are saying that the institution of local laws to keep alcohol and Sunday commercialism out of Cedar Hills will lead to women being forced to cover their faces, or worse, to terrorist attacks. Frankly, the *Herald* editors owe them and any thinking American an apology.

But the secular card is especially unattractive in its duplicity, as when it tries to sound religious itself. In this case, the *Herald* editors excoriate the good people of Cedar Hills for what “boils down” to be religiously-motivated actions, and then turn right around and invoke perhaps the premiere religious tenet in Mormon communities – free agency – to justify allowing beer sales and Sunday commercialism. “Compulsion,” they write, “seems to run contrary to basic American values.” (Well, it is nice to see that they now support repealing our state's *compulsory* public school attendance laws!)

Perhaps now is as good a time as any for this Mormon community, representing all true Christian communities, to say to secularists, once and for all, that “agency” has nothing – nothing – to do with the availability of a full spectrum of life's choices, and that it has everything to do with personal choices made within the religious context of the atonement of Jesus Christ. Just as laws prohibiting murder do not violate anyone's agency, a law prohibiting the sale of alcohol in Cedar Hills does not violate any beer drinker's agency – the choice for beer drinkers is to drink beer, not to choose where it is sold.

Let's test this idea with another example. Let's say that a strip club wants to move in next door to the home of a *Herald* editor. (Of course, this example assumes that the *Herald* editor would not like a strip club next to his home.) What would he do? On what grounds would he oppose the location of the strip club? Whose agency would be violated by his opposition? How does his “community standard” regarding strip clubs differ from the community standards of his neighbors on other topics? Best question of all, if his religious or moral beliefs do not justify opposition to a strip club, what does? His preference? His opinion?

Let's push this reasoning a bit. What possible secular reason could he give to oppose a strip club next door? Perhaps a strip club might lead to an increase in crime. Perhaps it might lead to a customer presence that is unwanted in a family neighborhood. Perhaps it might lead to a devaluation of property. But then, on the other hand, it would surely lead to other social and personal benefits. Might customers be benefited by partaking of the forbidden fruit? One might think so. It might lead to increased tax revenues. Not to mention something that seems to be near and dear to the hearts of the *Herald* editors, the perception of this neighborhood would then be more in line with “mainstream” secular America; in other words, allowing the strip club would be the tolerant thing to do.

Whether strip clubs or alcohol sales, the *Herald* editors can be assured that quantitative research exists to prove that both activities are deleterious in nearly every way to a community. True, the delicate balance of freedom requires that we do not rush off to impose liberal (yes, liberal) utopian ideals about

proscribing every and all behaviors that might harm us. But, likewise, this delicate balance is easily found in correctly applying and allowing our community standards.

The speciousness of the *Herald* editors' religious argument is that it allows them, as secularists, to invoke a variety of social science research or "rational" reasons to oppose something they dislike, while not affording the same intellectual luxury to religiously-minded people. In essence, their argument limits the good people of Cedar Hills to *only* making religious pronouncements against the sale of alcohol or Sunday commercialism when there are perfectly good secular reasons for doing so as well.

Fact is, for the good folks of Cedar Hills, freedom will flourish in their city under current community standards, and ultimately die under the presumptions of "free living" from the *Herald* editors. There is a significant difference to the body politic between prohibiting something on religious or moral grounds and prohibiting something on secular grounds – the former is grounded in reason tempered by virtue, experience, and tradition, while the latter is grounded on the endless and ever-changing personal preferences of elites. The former extends the scope and depth of true freedom, while the latter kills it entirely. The hard irony for secularists, like the *Herald* editors, is that they will always live freer in a religious community, especially in a Mormon community such as Cedar Hills, than they would outside of one.

The *Herald* editors, in good secular humanist form, plead with the residents of Cedar Hills that, "the campaign should be kept religion-free." For anyone who sincerely believes in God, on this issue facing Cedar Hills or on any other issue, that would be poor advice indeed. By expressing religious or moral sentiments in the public square, any religious-minded citizen would be in the company of great leaders throughout history who, *for religious reasons only*, spoke their minds, fought the good fight, and cast many a ballot.

Every religious-minded person looking at Cedar Hills ought to consider the "Zion" before them. The *Herald* editors seem to disdain extending any legal and political conditions that plant the seeds of a religious-minded community. The challenge here for religious-minded citizens is to put this debate in proper context and to avoid being bullied by the very people who have your religious interests **least** in their hearts and minds - in this case, the secular humanist editors of the *Provo Daily Herald*. A vote on June 28, one way or the other, will not make a religious-minded person "faithful" or "unfaithful." But this debate gives rise to many personal and public sentiments, including religious and moral sentiments, and all of these sentiments should be rightfully and completely in play.

The anti-religious argument put in play by the *Herald* editors is nauseating for anyone with good sense. It is insulting for reasonable people to even ponder let alone receive in huge doses from their own local newspaper.

The "Community Standards" Argument

At the heart of the *Herald's* opposition to the good people of Cedar Hills is their application of community standards. The editors begin their claims that the mere election of representatives, in and of itself, creates a community standard. That is, the opinions of the Cedar Hills' mayor and its city council *are* the community standard. "We elect representatives to do the business of government in our name," shouts a *Herald* editorial and, "...respect for the institutions of government should be included in the definition of community standard." And further, one of their dumbest statements, "The self-appointed guardians of Cedar Hills' values cannot claim to represent their neighbors. That's what elections are for."

Community standards, if they are anything, are organic; they arise from the ground up. They are the culmination of hundreds and thousands of like-minded sentiments from a broad-based population. Even the legal anomaly of a grand jury deciding an obscenity case – that, due to the well-intentioned, but short-sighted, jurisprudence of the United States Supreme Court in dealing with pornography, requires a

group of only twelve citizens to establish a community standard – is created statistically out of the broader population.

Community standards are simply not limited to the preferences of a few select individuals. And, while this may be the working argument of the *Herald* editors as they see it, their logic is disingenuous because they turn right around and then claim that a few elected officials embody a community standard. They demand a broad-based standard and then settle for the standard of a few elected officials.

Even odder, is the editors' willingness to settle for a referendum on the matter. In any other political setting these same liberal editors would complain that even a referendum would not provide justice to the minority viewpoint. What about the *one* guy that wants to buy alcohol and cruise the grocery aisles on Sunday? But now they settle for a referendum where "the result will be as accurate a measure of community standards as it's possible to get." Until, of course, the good people of Cedar Hills vote to maintain the established community standard.

The *Herald* editors admit to their ignorance of community standards. "We fail to see how Cedar Hills' community standards can differ from the standards of neighboring cities where beer is sold and grocery stores remain open on Sunday." A standard is set according to scale and issue. In this case, only the sentiments of the people of Cedar Hills need be recognized. The laws under consideration are for Cedar Hills' residents only. The issue is local for them. They need not consider the sentiments of non-Cedar Hills residents.

The exasperated editors exclaim, "What in the world would make Cedar Hills different?" Well, any number of things. The bigger point is, why do the *Herald* editors care so emphatically? Do you live there? If not, then be good little civil libertarians and mind your own business.

The sophistry of the editors is unending. For example, "If the community standard in Cedar Hills is truly as it has been represented by the coalition – if the city is truly a special enclave – there should be no fear that Smith's would continue its policies after building a store there. After all, nobody would shop on Sunday and beer wouldn't sell. It's self-correcting."

Would they say the same thing about a strip club? Using the assumption of the *Herald* editors, a truly religious community would not patronize a strip club, so let it exist and it would collapse from its own market deficiencies. Right? Well, maybe not. If this new strip club is closer in proximity for sex patrons throughout the broader community than existing strip clubs, or if this new strip club is a "better" strip club (whatever that means) than existing ones, then it really doesn't matter that it would sit smack in the middle of a religious community – sex patrons from outside the community would keep it alive. Contrary to the opinion of the *Herald* editors, it would not be a self-correcting problem.

A community standard is more than a majority opinion of what *is*. It is also underscored with a normative morality. It also represents what *ought* to be and is justified by a substantial, yet scalable, majority opinion that it *should* be. That is what makes it a standard. There is always an *ought* at work whenever there is a standard – we *ought* to encourage drunkenness (presumably, for the *Herald* editors, in the name of "free agency") or we *ought* to encourage sobriety.

Current sentiments, it would seem, are that the residents of Cedar Hills favor prohibiting the sale of alcohol and Sunday commercialism. These sentiments have moral underpinnings. These sentiments state that, in the aggregate, alcohol consumption is not good for Cedar Hills society and that setting aside one day a week for rest and relaxation, where the state and the marketplace have no demands on the people of Cedar Hills, is also a good thing.

And, after all is said and done, what is wrong with that?