

## **Editors' Introduction**

This special issue of *Florida Philosophical Review* is a collection of selected papers from the University of Central Florida's first annual international, multi-disciplinary conference on information fluency, critical thinking, and ethics that was devoted to the topic "Heresy, Blasphemy, and Freedom of Expression." This conference took place from January 18<sup>th</sup> to January 20<sup>th</sup>, 2007, and was presented by the UCF Department of Philosophy, the UCF Office of Student Conduct and Student Rights and Responsibilities, and the Quality Enhancement Plan for Information Fluency.

"Information Fluency" is the ability to acquire, evaluate, and use information in ethically appropriate ways. Since the quality of research and teaching are both affected by the reliability of information obtained and used, and since they are heavily influenced by the ability of researchers, teachers, and students to evaluate critically the myriad information sources at their disposal, it is the moral responsibility of all of us to learn to acquire, evaluate, and use information appropriately and ethically in the search for knowledge. This conference on ethics, critical thinking, and information fluency arose from interest in and the importance of the events surrounding and following the publication of cartoon depictions of the prophet Muhammad in the Danish press in 2006, events leading to questions regarding our responsibilities to each other in the news media, in education, in science, in politics, and in many other fields.

The influence and importance of freedom of expression are uncontroversial. The implications, limitations, contexts, and ways in which freedom of expression are manifested, and the effects of the dissemination of information, however, are not always so straightforward. Given the relevance of freedom of thought and expression to the growth of knowledge in the sciences and the humanities, journalism and medicine, religion and politics, and in all other realms of human inquiry, we sought in this conference to engage in presentation and analysis of issues from multiple disciplines and from a variety of backgrounds in an atmosphere of free inquiry and discussion in academic, personal, and professional contexts.

Scholars from fields as diverse as philosophy and photography, dance and legal studies, and natural science and film met at UCF in January 2007 in a spirit of cooperation and open inquiry to discuss and present their ideas and work. Intellectual inquiry and freedom of expression must not be silenced or suppressed if we are to live in a society and culture of progress. Neither, however, can we expect progress and open inquiry in conditions of hostility and lack of trust.

Throughout history, individual human beings have been persecuted for their ideas, ways of living, ways of believing, ways of seeking knowledge, and ways of expressing their individuality or identity. The scholars and artists who met together at this conference represent diverse ways of conceiving problems and approaches to some aspect or aspects of the three title themes. Some authors concentrate their attention on conceptions of heresy or blasphemy in religious or other contexts; others focus their attention squarely on freedom of expression. Still others combine insights into all three.

We are hopeful that the collection of papers in this issue of *FPR* will be part of the continuing conversations that characterize open, diverse, and multi-cultural educational, moral, social, and political life in democratic settings. Whether we consider the importance of freedom of speech and assembly in academic institutions or the freedom of the media to express positions in often unpopular ways, the impact of the free-thinker, the “blasphemer” and the “heretic” should not be underestimated. Perhaps Emerson, who surely exaggerated the characterization of the self-reliant individualist, still captured the essence of the chance for progress in making it plain that knowledge does not grow from toeing the line or following the crowd, but instead following one’s own conscience where it may lead and blazing new trails in a celebration of human intelligence.

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Nancy Stanlick and Michael Strawser, Editors  
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**Religion and (In)humanity**

Recently religion has entered the public agenda in (at least some) Western countries to such a degree and in such ways that the very conditions for public discourse have once more become an issue of critical importance. Taking my point of departure in the so-called ‘cartoon-crisis’, I will address, in a philosophical approach to religion, the question: what is at stake in this situation? The questions we face point back to key issues in philosophy of religion, issues that we should be challenged to rethink. One example is the question: how is re-introducing taboos in a public discussion possible? This leads us back a pivotal question in philosophy of religion: what does it mean that something is holy? On closer reflection, this issue shows that a religion is not something monolithic. How the holy is to be understood is at issue within religion itself. Thus, the question is not simply how to deal with religion in public discourse, but also how religions themselves deal with the world which we as humans more or less share. In a sense, religions are themselves about sharing or not sharing a world. In religion, humans can re-situate themselves in the world in which they are already situated. The question then is: in the optics of religion, how do we as humans come to see the world of humans?

The main part of my article will discuss the issue of religion and humanity, arguing that religion, as a human enterprise, bears witness to human ambiguities, but also that in religion, human ambiguities can be articulated and turned into a question of human self-understanding. That is in a sense what *humanity* is about: acknowledging human ambiguities, the problem of humans in being human. The article argues for a double approach to religion: in religion humans are interpreting what the holy means, but this does not imply that the holy simply is what humans take it to be. We should distinguish between the fact of interpretation and the character of interpretation. Religions are human enterprises: humans interpreting what the holy means (the fact of interpretation), but religions are concerned interpretations in the sense that in religion, humans interpret what concerns them as humans, in dealing with limits to being human (the character of interpretation). The article concludes by reviewing the relation between religion and public discourse, arguing both that religion can point to interiority that is a condition for public discourse and that a critique of religion that seeks to do justice to the complex human character of religion is needed.

## **Religion and (In)humanity**

*Arne Grøn, University of Copenhagen*

### **In-visibility**

I am not going to give a power point presentation. Thus I will not have the power to point to what I will be presenting. That is, I will not have the power to point to what you should see, to pictures that should come to your mind while listening to what I am talking about. I will have to rely on you imagining for yourself. If I were to give a power point presentation, I would face the problem of showing what I am talking about (I guess that is the point in making a power point presentation). If I were to talk about ‘the cartoons’ (in fact I am), I would have to show you some. That might offend someone, and I am not interested in offending anyone.

Almost before beginning my paper, then, I am caught up in what I am going to talk about: religion and in-visibility. Let me explain. The theme of this conference invites us to explore and to discuss the relation between religion and the public realm or public discourse. In both cases, religion and the public realm, visibility is not just an important, but also a critical issue; this is even more so when we consider their relation.

Visibility is of critical importance when it comes to the idea of the public realm. Following Hannah Arendt,<sup>1</sup> let us take our point of departure in the idea that the public realm is about persons appearing as persons, in acting and in forming their own stance towards matters of public importance. The critical idea is: See for yourself! This can be taken as part of the Enlightenment heritage, though not without qualifications. The Enlightenment heritage itself is ambiguous. It is not only about seeing for oneself; it also tends to speak in the name of reason and freedom, defining what enlightenment is. Furthermore, seeing for oneself is not just an Enlightenment idea, but has a history which also includes religious traditions. What comes to the fore in the Enlightenment is the questioning of tradition as such. While seeing for oneself could draw upon traditions, it is now taken to be without or against tradition. Yet the Enlightenment turns out to form its own traditions. Tradition is not just something we can take over or not. It comes from behind, through what we are ourselves doing.

Still we should not just think as we are told to think. We must think for ourselves, which implies that we should see for ourselves what we are to form an opinion about. Of course there are constraints to this. If we were only to see for ourselves, and not to rely on the authority of others, we would never get to the point of taking a stance of our own.<sup>2</sup> But the authority of others should

then be a matter of our concern. We are the ones to take others as having the appropriate authority in question. In this sense also we should see for ourselves, even when we rely on others.

However public life is not going that easy. We do not simply see for ourselves and rely on the appropriate authority of others. Visibility is not only a critical, but also a complicated issue. This can be seen in the culture of visibility which seems to go together with globalization. We live in a culture of images. In a sense this is not something new. It would be difficult to imagine a culture that does not deal with the visible world in making images of the world. Humans orient themselves in the world in imagining what it means to be in this world. Pictures can remind us; they can affect us; they even seem to go into what it is to be affected. When we read or hear something important, pictures come to our mind. When we seek to communicate to others what is important to us, we are in need of an inherently metaphorical language. We are embodied beings, in our ways of relating to the world. In order to reach the other in her interiority, if it is possible, we need a detour: the visible world which is in this sense between us; it is where our interiorities are at stake. If we wish to make the other see things ‘our way’, we depend on the other imagining what the world is like.

Yet something has changed. We live in a culture of images which seems to change our sense of visibility. The culture of visibility is not just about visibility in the sense I have delineated. It is not only about people, including ourselves, appearing as persons and, as persons, seeing for themselves. When visibility is turned into a *culture* of visibility, our lives become a matter of making ourselves visible to others. It is not about making visible what is ignored, for example minorities. Rather it becomes a condition for being there or being someone. If you do not make yourself visible to others, if you are not successful in doing so, that is, if you are not seen by others, what are you then? Visibility becomes a matter of identity, or rather the other way round. If our identity is a matter of becoming visible, the implication seems to be that not only should we see each other – we also have a demand on others that they should make themselves visible to us, and vice versa.

If visibility is turned into a culture of visibility, that is, a culture of making ourselves visible to ‘others’ making themselves visible to us, then it is easy to lose the sense of *limits* to visibility. It becomes difficult to see that there is something we must not see, or even should not see. The notion that there are limits to what we should see is crucial in understanding the idea of humans as *persons appearing* to each other. The other human being as a person is visible – and yet in a crucial sense invisible. Let me very briefly indicate what I have in mind. Respecting another person requires that we recognize and embrace the fact that she is more than we see: she is the one appearing and yet still to appear. In appearing she is there as the one making herself appearing. In appearing she can relate to us and to a more or less shared world. The in-visibility of the other person thus already pertains to the very fact and act of appearing. It has to do with time: in appearing, the other is still to appear. We will have to wait and see what is implied in what she shows, and what she is still to show. The

other person being visible *and* invisible does not mean that there are two sides to it, one visible and another invisible. Rather the invisible concerns what we see. Appearing in the public as persons implies to be recognized *and* to recognize. It is not simply about to see and to be seen, but about recognizing limits to what we see: the other is also other than the one we take her to be.

What has this to do with religion? Quite a lot, I think.

### **Religion**

Religion is about the invisible – and the visible. You might object: religion is only about the invisible, not the visible. No one has seen God, even if people can claim to speak to God or even claim that God speaks to them (maybe claiming that God does not speak to others as well). Of course, in a crucial sense religion is about what we do not, cannot, and should not see. Something that is inherently invisible. Something that is holy, that is: not to be seen. Something that is not to be subsumed under our gaze mastering what we see. Yet the invisible is not an area next to what we see. Religion is about seeing, although not in a straightforward sense, but in the sense that it is about what we do not see in seeing. Once again, the invisible has to do with the visible. Religion concerns our very *ways of seeing* the world. One can see the world with the eyes of the faith (to use a Kierkegaardian phrase), as one can see the world with the eyes of trust, mistrust, hope, or despair. Even when religion speaks about the otherworldly, the other of this world, as *another* world, it is a way of talking about *this* world. Even if the claim is that this world is not the real one, it is this world that is not real. The question then is: how do we live in this world as a world that is not the real one?

Religion is about in-visibility. It is so in ambiguous ways which reflect human ambiguity. What is at stake is our understanding or sense of the visible and invisible. How does religion so understood reflect being human and human ambiguity? That is the question of religion and in-humanity I want to address in the following sections.

### **The Holy and the Human**

The issue of visibility and invisibility, in between religion and public life, leads into the center of the problem that comes up when dealing with the themes of this conference. Recently religion has entered the public agenda in (at least some) Western countries to such a degree and in such ways that the very conditions for public discourse once more have become an issue of critical importance. That was in particular the case during and after the so-called ‘Mohammed’ or ‘cartoon crisis’ in 2006. Denmark – a country which many or probably most people in the world would find difficult to place on a world-map – suddenly came into focus and drew world-wide attention. Following the

situation quite closely, I was haunted by questions, some of which I would like to share with you here. I will do so in a philosophical approach to religion, asking what is at stake in this situation. The questions we face point back to key issues in the philosophy of religion, issues that we should be challenged to rethink. One example is the question: how is re-introducing taboos in a public discussion possible? This leads us back to a pivotal question in the philosophy of religion: what does it mean that something is holy?

Without engaging in a long discussion, let me suggest the following answer. The holy concerns what is of ultimate concern – what ultimately matters – to humans. Yet it is not an ideal which we humans can choose; it is not a matter of ultimate priorities which we can make, but something that is *inviolable*. In a critical sense it withdraws itself from the power of humans. The holy is beyond our priorities, even beyond what we take to be ultimate priorities. It has a hold or demand on us before we make priorities. If something is holy to someone, it is not just something she chooses to be holy. One does not consider, back and forth, what is holy, and then make a choice. The holy does not simply mean that it is considered to be holy. Rather it is the other way round: the holy concerns humans, what they do and think, but in such a way that it questions the understanding and the power of humans.

However, the further critical point to be made, then, is that talking about the holy shows what humans can do. The inviolable is precisely something that *can be violated*. The holy points back to humans, to their capacity of transgressing the limits of the holy. The ‘deep’ claim in talking about the holy is that there are limits to being human, limits which humans can transgress, but only in turning inhuman. This means that the holy concerns humans as a question about what it is to be human: what can humans do?

Our first question was: what does it mean that something is holy? The answer just offered – the holy is inviolable, pointing to the power of humans to violate what is inviolable – leads to the second question: what is it then that can be violated? What is it that can be (seen as) holy? During the ‘cartoon-crisis’, religious symbols and feelings attached to these symbols were in focus. When religious symbols are not respected, the people to whom these symbols are holy might feel offended. What are the implications of respecting religious symbols of others? It is important to make the following distinction: it cannot mean that we should for ourselves regard that as holy which they take as holy, but that we should recognize that it is holy *to them*. This means that the respect one can demand from others does not imply that they themselves should deal with the holy (what one sees as holy) in the same way as one does. It is a respect for *the person* to whom it is holy. But is this enough? Does the holy not concern something we should share or have in common? Maybe that is where we will end, but first we will have to move in the opposite direction.



During the ‘cartoon-crisis’ it became once more manifest, yet not sufficiently noticed, that the holy is an issue *within* a religion. It is not an issue in the sense of an open debate, but in terms of the ways people identifying themselves with a religion deal with the holy – and deal with ways others are dealing with the holy. One way of putting the issue is to ask: is the holy the religious symbols as such (that is: the authority attached to these symbols) or is it that which these symbols point to (that is: what we should come to see through these symbols)? To put it in less distant terms: what is most violating – that some people express themselves in satire or maybe in caricatures about the religious symbols of others, or that people identifying themselves with a religion kill others in the name of that religion? This question and the standard it harbours are not introduced from outside. During the ‘cartoon-crisis’ the question was asked ‘from within’ by Muslims in Denmark and abroad. What is at stake then is how to interpret the holy. This is not something new. Rather, it shows that within a religion the holy becomes a matter of interpreting that religion itself. Although religious traditions can deal with the holy in ways that do not seem to leave room open for asking the question what the holy means, the very fact that they have to make claims about what it means shows that the holy is a question coming from within.

Religion is not something monolithic, even though some would like to have it that way. What is taken as foundational in a religion is also interpreted in interpreting the world: it is ‘made to speak’ in articulating what it means to see the world in the light of that foundation. That is what people identifying themselves with a religion do when they make claims as to what the holy means. That is why a religion seldom is stable, but tends to split in often conflicting traditions interpreting what this religion means.

To anticipate things a bit: if religion is a matter of interpreting the foundation of that religion in interpreting the world, the question is not simply how to deal with religion in the public sphere. Rather the question is also how religions *themselves* deal with the world which we as humans more or less share. In a sense, religions themselves are about sharing or not sharing a world.

One way of dealing with a world in common is to claim that one’s religion represents true humanity. People can make that claim while the same religion seems to be used to legitimate inhuman actions. Of course whether it is the same religion – that is the question; the fact however that it is the question confirms my point: what a religion means is at issue *within* that religion, among people identifying themselves with it. Again, it is probably not a matter of open and unbiased discussion (religion is not a matter of theoretical attitudes, but a matter of ultimate perspectives for leading a life), but it is at issue in the ways people deal with religion in dealing with the world. The model stating that either you are inside or you are outside a religion ignores the complex and dynamic character of religions. People can only be within a religion by interpreting what it means to be within. The dynamics of religion also manifest themselves in division and heresy. The fact that

you cannot simply be inside a religion, just sharing a world-view that cannot be shared by people coming from outside, does not exclude the fact that a religion can be used to divide between those within and those outside.

What I have said so far seems to amount to two contrasting claims. First, I started out by arguing that the holy is not to be reduced to interpretations of what is holy; it cannot be turned into a matter of priorities. Second, I have just argued that people interpreting the world in the light of a religion interpret what this religion means; what is holy is at issue. But this second claim does not imply that the holy is reduced to human interpretations. Rather my point is the opposite. We cannot understand ourselves as humans if we do not have a notion of the holy as the inviolable. Why not? Because we would then not be able to understand what humans – ourselves included – are capable of doing: turning inhuman.

Does this imply that humans are religious beings? Of course that depends of what we mean by religion. If religion means that there is a binding to being human, the question is where religion ends and ethics begins, or vice versa. As my concern here is the question of religion and (in)humanity, let me just point to Kant's ethical reformulation of the holy. What is important is the following double claim:<sup>3</sup> First, as human we are *not* holy. We are capable of doing what we should not do, and our motives are most often mixed, often without us noticing. If we think ourselves to be pure in mind and motive, we are not – by that very act of presenting ourselves. Second, humanity should however be holy *to us*, the humanity of the other person, but also the humanity in our own person. Why? Precisely because we as humans can turn inhuman, I would argue. This double claim captures human ambiguity. The ambiguity in being human is what the notion of the holy points to. This opens up for a more complex understanding of religion. Let me briefly outline my suggestion.

### Religion and Being Human

Religion is a human enterprise. This does not mean, however, that religion simply is what humans think and imagine. Rather if we reduce religion to human projections, we will not be taking religion seriously *as* a human concern. In religion, whether they like it or not, humans are interpreting, but what they interpret matters to them in terms of what ultimately binds them. What ultimately binds them they cannot just take as something they take to bind them. The holy is not a matter of priorities.

This means that we should focus on the *character* of interpretation taking place in religion. Human interpretations can be in a deep sense concerned if they are about what concerns 'us' (that is, those interpreting) as humans. In religion, humans can seek to come to terms with what it is like to be human. Religion is a human concern in the sense that it deals with limits to what is human. In

encountering what exceeds them *as* human beings, humans can be ‘reflected’ or turned towards themselves. What is beyond human understanding and power is not simply beyond. It is beyond in such a way that human understanding and power are turned into a question for human beings that suffer and act, and try to understand their situation. Furthermore, what can be experienced as beyond understanding is also what *humans* can do: they can turn inhuman.

Thus, religion has a strange or even enigmatic character. It is about humans moving beyond the human, thereby coming to see – or maybe not coming to see – what it is to be human. Religion articulates a moving beyond this world, but a movement taking place in this world. In religion, humans can re-situate themselves in the world in which they are already situated. The question for a philosophical approach to religion then is: in the optics of religion, how do we as humans come to see the world of humans?

If one would object that religion leads us beyond the world, the answer would be that it does so in this world in which we are living and moving and thinking about this world. If in religion humans come to see this world as a world to be denied, religion is turned into ways of dealing with this world – as a world to be denied: the question is how to live in this world as a world in which one should not be at home. To live this life with the image of a beyond becomes precisely a way to live this life.

What is the implication? As I have already suggested, the question is not simply how to deal with religion in the public sphere, but also how religions *themselves* deal with the world which we as humans more or less share. How do religions themselves interpret the world they are part of? Are they able to recognize the world as a world of different perspectives? This brings the question of humanity and inhumanity into focus again.

### **Religion and Human Ambiguities**

As a human enterprise religion bear witness to human ambiguities, but in and through religion human ambiguities can also be articulated and interpreted. I will argue that this in a critical sense is what *humanity* is about: acknowledging human ambiguities, the problem of humans in being human. It seems that we can only understand ourselves as humans if we take the possibility into account of humans turning inhuman. The complexity of religion has to do with the question of humanity and inhumanity.

In order to see this more clearly let us distinguish between the fact of interpretation and what I have just called the character of interpretation. First, religions are human enterprises: humans interpreting what the holy means. This is the fact of interpretation. Second, religions are ‘deep’ or even ‘deeply’ human enterprises in the sense that in religion, humans are dealing with limits to being

human. This is the character of interpretation: in interpreting the holy, humans are trying to come to terms with what exceeds themselves, their understanding and power. Or to formulate the point in terms of the double approach to religion argued for above: in religion humans are interpreting what the holy means, but this does not imply that the holy simply is what humans take it to be. If we would claim this we would misunderstand the character of interpretation. Religious interpretation is about that which is beyond interpretation and yet calling for or demanding humans to respond. It can be about humans calling their own understanding into question.

Religions however are not just interpreting what it is to be human. They are also themselves marked by human ambiguities. Religions can be human, all-too-human. As they are dealing with what ultimately binds humans, they can be turned into means of human, all-too-human authority. Instead of acknowledging limits of being human, religion then is made into a vehicle of human desires to be more than human, or to be more human than other human beings. Idolization and idolatry are human possibilities.

Idolization and idolatry take place in a human world of vision and visibility. In this world interiorities are played out and at stake. Idolization deals with interiorities, one's own and others. It is about seeing something or someone as more than human thereby depriving what is human (including oneself, as the one seeing) of intrinsic dignity. In idolization the demand put on humans that they are to see their own lives in the light of this 'more than human' or 'more human than others' also empties humans of the subjectivity demanded. *They* are to see that their own lives only are meaningful if seen in the light of these pictures or idols. In the idols they do not come to see themselves, rather they disappear.

Thus humans can turn religion into means to get hold on the interiority of humans. If we wish to 'make' others see the world in a certain way, we only succeed if they in fact, themselves, see the world in this way. The interiority in their ways of seeing escapes our grasp. Yet religion seems to provide some sort of access to the interiority of others, to the way they see their world and live their lives. This can give a sense of inner community, but whether such a community is real is a matter of interiority between us. This is reflected in religions in terms of the possibility of hypocrisy, for example.

In short, religions reflect or mirror human ambiguities, but this can also be reflected or questioned in religion. Within religion a critique of religion as human, all-too-human is possible. What I will advocate is reformulating a philosophical critique of religion that seeks to do justice to the complexity of religion as a deep human concern, including a critique of religion as human, all-too-human coming from within. Critiques of religion that reduce religion to human interpretations as projections do not take the human character of religion seriously. Furthermore they tend to create a new illusion: the idea that, once we have got rid of religion, we are free to unfold our true

humanity. The inhumanity of humans then is ‘parked’ as it were in religion. How then are we to make sense of religion as a human undertaking? My suggestion is that reformulating a critique of religion by taking human ambiguity as the lead can make sense of religion in terms of human self-understanding.

How is *religion* human self-understanding? In line with the arguments presented, let me just indicate three elements of an answer. First, religion can articulate human ambiguities because it is about ultimate perspectives for being human: in religion humans relate to limits to being human; they can question what it is to be human. Second, a remarkable feature of religion is that it can turn the movement beyond (in asking about ultimate perspectives for being human) into a pointing back to the one asking, the one seeking to make the movement beyond. It can point out the one asking as the *addressee* for the question asked. This is captured in Augustine’s famous words in his *Confessions*, Book X, 33: “But thou, O Lord my God, look upon me, hearken, and behold, and pity, and heal me, thou in whose eyes I am now become a problem [*quastio*] to myself.”<sup>4</sup> In art, literature, and film, we can also be turned into some sort of addressees, yet in more indirect ways, through experimenting and imagining. Religion is also calling for humans to imagine, but in the more direct way of addressing the one seeing and listening and acting. Third, what humans can do in a critical sense also exceeds what they understand. They can do something that changes the very character of their lives. In what they are doing, humans can turn inhuman, without setting out to do so, but they are also capable of unforeseen acts of goodness. Religion is about human self-understanding in this intensified mode of coming to terms with the enigma of ambiguities that humans represent to themselves. The ambiguity even pertains to religion itself. Religion is about binding and being addressees, but it can also be made instrumental.

What has this to do with public discourse? Quite a lot, I think.

### Religion and Public Discourse

How can religion enter the public realm in such a way that the very conditions for public discourse are at issue? First, what is meant by conditions for public discourse? Public discourse is about sharing a world, but in order to understand this we should take our point of departure in our seeing the world differently, the world that we share. How we see the world affects our ways of living. How then can we live together in a society when we see the world we have in common differently? Maybe this way of putting the question is misleading. For what would it mean to see the world in the same way? What kind of life would we have in common? Maybe the point in question is not so much how to reconcile or harmonize different ways of seeing a world in common, but how to acknowledge, in our ways of seeing the world in common, the alterity of others.

Public discourse can easily deteriorate. This is the case, for example, when it is reduced to a question of visibility. Then public discourse becomes a matter of setting the agenda and getting in control – of public discourse. Although public discourse in a modern society needs institutions, it is difficult to institutionalize. Public discourse is precisely not decided beforehand, but is a space left open. Whether the space between us is actually left open as a space of appearance, however, depends on us taking part in public discourse: how we take public discourse. This means that public discourse depends on whether those participating recognize the public realm as a space of appearance to be left open. Is this not the only way of respecting the alterity of others in matters of (what is taken to be of) common interest?

The first condition for public discourse then is to take it *as* public discourse: as a space of appearance to be left open. What are the implications? If the public realm is about persons coming to appear in acting and in articulating a view of the world in common, it requires a sense of limits to what is public.<sup>5</sup> Persons coming to appear in public have a life of their own. Public life requires a notion of interiority: others cannot see the world as I do, because I am the one seeing as I do. I am to see for myself. That is why we can and must seek to understand each other: what it is to see the world as others do. But if the notion of the public realm presupposes that persons appearing have a life of their own to live and that they are to see for themselves, it requires a sense of limits to visibility. The limit of interiority is implied in taking the public realm as a space of appearance.

Consequently, the public realm or discourse is not the same as a marketplace of ideas. The latter belongs to a culture of competition which on the one hand assumes that truth will prevail and on the other hand turns life into a matter of success. In contrast, public discourse is about recognizing both that there is a life in common already in the condition for public discourse, namely seeing each other as human, and that truth might not prevail. It is not about conquering a space of appearance between us, but rather about leaving it open. The idea of public discourse is a more modest one than that of a marketplace of ideas; it leaves the question open whether it is a discourse of truth. This has to do with the very condition for public discourse. The notion of public discourse is normative; it is about taking public discourse *as* a public discourse. It goes with the understanding that public discourse can easily deteriorate. Public discourse depends on people taking part in public discourse: whether they take it as a space left open for others to appear. As a space between them it is a matter of how they take it, but if they take it as a space to be taken into possession, the way they take others – each other – changes.

In so far as religion points to the interiority in each human being, it is not simply a private matter, but concerns the condition for public discourse. As persons appearing in acting and seeing the world in common we are also, each of us, ‘in ourselves’. That is what recognition is about. If there were not this limit to what is public, there would be no public realm. Religions can harbour a

sense of interiority that concerns our life in common. Furthermore, religions are not first to enter public discourse, they are already part of public life. They are so in ambiguous ways as they are human, often all-too-human undertakings. Religion and interiority can even be made instrumental for certain forms of public life.

I have argued that religion not only is marked by, but can also articulate and point to human ambiguities. It offers resources for a human self-understanding that can also acknowledge human possibilities of inhumanity. But the idea of the public realm is also about human self-understanding. Public discourse is about how we deal with each other as humans, and how to deal with human ambiguities. Why is it of critical importance to understand the public realm as a space of appearance left open? If we do not, we cannot respect our own humanity, the humanity which is at stake between us, in acting and in understanding the world in common. This requires that we can acknowledge human ambiguities. But the implication is that in the public realm religions should be taken as 'deep' human concerns (in the sense of the double approach I have argued for above).

How can religions enter public discourse? The question is misleading in so far as religions are already 'there', both in more or less institutionalized practices and in ways of seeing the world. Yet the question makes sense as the relation of religions and public discourse is not without problems. First, in the public realm we are together with others that perhaps or maybe even probably do not share our ways of seeing the world (of course that depends on what is implied in sharing). Taking the public realm *as* a public realm is to recognize this (the fact that the world in common is a world of different perspectives on the world) by leaving it open *in* acting and articulating how we see the world. However, if one uses religious arguments in a public discourse, one places oneself at a different level than others. One is placed in a position backed up by divine authority. Second, this critical observation does not exclude religions from the public sphere. Rather the challenge is that people identifying themselves with a religious tradition (this also goes for people not identifying themselves with a religion) should attempt to explain their ways of seeing the world in common to others not sharing this interpretation. Religions are sources of inspiration and motivation, for example in criticizing a culture of visibility. Last, but not least, the condition for public discourse, i.e., taking it *as* public discourse, also applies to religions (traditions and communities). It is a matter of religions *interpreting* or even embracing the world as a world of different perspectives. Can they do so? What do they do about the fact that the world is already interpreted differently? Or, to put the question in other words, do religions themselves recognize the human character of religions, what I have called the 'fact of interpretation': that people identifying with a religion themselves interpret this religion in interpreting the world? This question is of critical importance. It is about recognizing ourselves and others as humans.<sup>6</sup> But it also implies that the freedom 'we' (whoever that might be) grant ourselves in dealing with our religion or non-religion,

that is, the freedom not only in expressing our beliefs, but also in interpreting their implications, we should grant others as well.

### Notes

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<sup>1</sup> Hannah Arendt, *The Human Condition* (Chicago & London: U of Chicago P, [1958] 1998).

<sup>2</sup> Both this observation and the notion of tradition as condition can be found in Hans-Georg Gadamer, *Wahrheit und Methode: Grundzüge einer philosophischen Hermeneutik* (Tübingen: Mohr Siebeck, [1960] 1975) / *Truth and Method* (Continuum International Publishing Group, 2005).

<sup>3</sup> Cf. the following quote: “A human being is indeed unholy enough but the *humanity* in his person must be holy to him” (*Critique of Practical Reason*, in Immanuel Kant, *Practical Philosophy. The Cambridge Edition of the Works of Immanuel Kant*, translated and edited by Mary J. Gregor, Cambridge: Cambridge UP [1996] 2006, 210) / “Der Mensch ist zwar unheilig genug, aber die *Menschheit* in seiner Person muß ihm heilig sein” (*Kritik der praktischen Vernunft*, ed. Karl Vorländer, Hamburg: Felix Meiner, 1967, 102).

<sup>4</sup> “Tu autem, domine deus meus, exaudi et respice et vide et miserere et sana me, in cuius oculis mihi quastio factus sum.” *St. Augustine’s Confessions*, vol. II, translated by William Watts (Cambridge, Mass.: Harvard UP / London: William Heinemann, 1970), 168-169.

<sup>5</sup> Cf. Hannah Arendt’s distinction between the public and the private realm (op. cit.).

<sup>6</sup> This study was funded by the Danish National Research Foundation.



## Academic Freedom for Students Has Ancient Roots<sup>1</sup>

*Gary Pavela, University of Maryland*

In recent years, the actual or perceived abuse of professors' authority has spawned claims of classroom indoctrination and a political movement to create a nationwide "academic bill of rights" to protect students. Yet legislative mandates would not be necessary if people recognized that courts have long held that academic freedom is shared by both professors and students and, in fact, that academic freedom for students has ancient roots in scholarly life. For too long, the student interest has been poorly understood or ignored, sometimes creating the impression that professors rule like absolute monarchs in their classrooms.

A 2004 ruling from the Department of Education's Office for Civil Rights to the University of North Carolina contains an example of the abuses that can arise. It notes the "intentional discrimination and harassment" encountered by a student who was lambasted by a professor, in an e-mail message to the class, for "heterosexist comments" and a failure to recognize his "white, heterosexual, christian [sic], male ... privilege." (The university avoided an adverse OCR finding because, in part, it provided "additional guidance to its teachers and students as to appropriate classroom discussion.")

Although the idea of student academic freedom may seem surprising to many faculty members, the Supreme Court recognized the concept almost 50 years ago in *Sweezy v. New Hampshire* (1957). The court observed that "teachers and students" (not just teachers alone) "must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die."

The court upheld a similar view in 1995 in *Rosenberger v. the Rector and Board of Visitors of the University of Virginia*, issuing a ringing defense of freedom of expression and association at public colleges. Many observers have viewed the ruling as an affirmation that academic freedom is a "special concern" of the First Amendment, but what has received insufficient attention is that the court was defining and promoting student academic freedom.

Writing for the majority, Justice Anthony M. Kennedy declared that:

In ancient Athens, and, as Europe entered into a new period of intellectual awakening, in places like Bologna, Oxford, and Paris, universities began as voluntary and spontaneous assemblages or concourses for students to speak and to write and to learn. ... For the university, by regulation, to cast disapproval on particular viewpoints of its students risks the

suppression of free speech and creative inquiry in one of the vital centers for the nation's intellectual life, its college and university campuses.

Justice Kennedy rightly identified “ancient Athens” as a place where students were seen as integral partners in academic life. Teaching in Plato's Academy was a form of soul-craft, based on friendship in pursuit of truth. The late philosopher Sir Bernard Williams explored the linguistic roots of that phenomenon in *Truth and Truthfulness* (Princeton UP, 2002), observing that “truth, and specifically the virtues of truth, are connected with trust ... the word ‘truth’ and its ancestors in Early and Middle English originally meant fidelity, loyalty, or reliability.”

Indeed, the center of Raphael's fresco “The School of Athens” shows Plato, the teacher, pointing up to the heavens to a vision of eternal harmony and perfect forms, while Aristotle, many years younger and the student, seeks to bring him down to earth to explore and understand the world as it is. Raphael's image depicts what Aristotle describes in his *Nicomachean Ethics* as an enduring friendship – even as the two disagreed about fundamental philosophical issues.

The association among truth, trust, and the teacher-student relationship in Plato's Academy was reflected in its reliance on dialogue, as distinguished from rhetoric. Rhetoric normally seeks to overpower the listener with an assurance of certitude, while dialogue thrives on mutual questioning – premised on a belief that no conception of truth should be immune to refutation. In the Socratic tradition, one asserts a belief or hypothesis to invite refutation. The teacher may have superior knowledge and experience but encourages students to raise doubts and fresh perspectives to define truth anew – a method rooted in a synthesis of free inquiry and collaboration that could be regarded as the beginning of the scientific method.

The Supreme Court has elaborated on that theme in several other opinions. Notably, in *Keyishian v. Board of Regents of New York* (1967), Justice William Brennan, writing for the court, stressed that “the classroom is peculiarly the ‘marketplace of ideas’” and that “the Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth ‘out of a multitude of tongues, [rather] than through any kind of authoritative selection’.” Justice Brennan was blending a pedagogical perspective with a legal conclusion. His analysis was premised on the belief that the best learning occurs in a setting where students are genuine participants of shared inquiry.

That Socratic conception of teaching is also ingrained in the earliest formulations of academic freedom by the American Association of University Professors. The association's 1915 “General Declaration of Principles” stated that academic freedom had two applications: The freedom to teach (*Lehrfreiheit*) and the freedom to learn (*Lernfreiheit*). According to the declaration, honoring the freedom to learn means that teachers should not “provide ... students with ready-made

conclusions, but to train them to think for themselves.” The idea that students should be seen as partners in academic inquiry was also embraced in the “Joint Statement on Rights and Freedoms of Students,” endorsed by 10 higher-education associations, and codified by the AAUP in 1967.

Being “free to learn” means being free from indoctrination. Most faculty members want to avoid that, but drawing lines between impassioned argument and indoctrination can be difficult. Is it “indoctrination” for a professor to express a strong point of view in the classroom? Do colleges “indoctrinate” students when they require study of the language and literature of specific cultures?

To those questions, standing alone, the answer is no. Great teachers can be extravagantly opinionated, and some of the best courses are required. Yet in neither context do most students feel “indoctrinated.” Why not? Because, at heart, students can sense a difference between teaching that serves as a catalyst to independent thought and teaching that serves to stifle it.

The latter usually comes prepackaged in humorless certitude, grounded in the view that the teacher has an absolute hold on truth. In that context, the student is often perceived as the proverbial infidel, having been diverted from the one true faith by ignorant parents or a degenerate culture. A soul has to be saved, not an intellect formed. In contrast, the professor with strong views who seeks to foster independent thinking will assert theories primarily to make students think anew about topics and issues – and even become disappointed if students agree too readily. Thus, ultimately, the aims of a professor will define the tone and substance of what occurs in each class and whether students’ academic-freedom rights have been infringed upon.

Where conflicts arise between students’ and professors’ academic freedom, courts will balance the competing interests involved, generally deferring to teachers’ authority and expertise. A good example is *Salehpour v. University of Tennessee* (1998), where a 43-year-old dental student insisted on violating two professors’ rules barring first-year students from sitting in the last row of their classrooms. The student’s rationale was that he was “advancing and pursuing” a “power struggle” with the university. The court sided with the institution (and the teachers) in that “struggle,” concluding that “where the expression appears to have no intellectual content or even discernable purpose, and amounts to nothing more than expression of a personal proclivity designed to disrupt the educational process, such expression is not protected and does violence to the spirit and purpose of the First Amendment.”

As that holding indicates, the idea of “student academic freedom” is not a license for classroom mayhem. The classroom should not be a place where everyone can do whatever they like, or even assert without penalty whatever they wish to be true. Teachers are entitled and expected to determine which subjects are relevant, how class time will be used, and how well students have performed. It is when such authority is abused – usually to intimidate and silence students who wish to explore or express contrary views – that the “freedom to learn” is violated.

The full scope of student academic freedom should be defined by the collaborative efforts of students and teachers. At a conference on legal issues in higher education at the University of Vermont, William A. Kaplin, a law professor at Catholic University of America, urged attendees to recognize the long history of student and teacher collaboration and to resist the trend “to turn every dispute or disagreement into a legal problem.” When it comes to current controversies about bias in the classroom, we would do well to look to the classical roots of higher education rather than courts and legislatures.

#### **Note**

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<sup>1</sup> Reprinted with the permission of the author from *The Chronicle of Higher Education Review*, Volume 51, Issue 38, Page B8.

## **Only Speech Codes Should Be Censored<sup>1</sup>**

*Gary Pavela, University of Maryland*

I often ask audience members at higher-education conferences how many of them come from campuses with “hate speech” codes. A substantial minority raise their hands, confirming research that about a third of the nation’s colleges and universities continue to promulgate student disciplinary rules prohibiting expression that “subordinates” others or is “demeaning, offensive, or hateful.”

Such continued adherence to speech codes is by now predictable, but remains puzzling. From a lawyer’s perspective, the courts have spoken: Broadly written speech codes adopted by public institutions – and private institutions adhering to First Amendment standards – are unconstitutional. The legal parameters are becoming so well settled that enforcement of those codes may expose public-college administrators to personal liability for violating clearly established constitutional rights.

Understanding the speech-code phenomenon, however, requires looking beyond the law to the realities of campus politics. However sporadically enforced, speech codes serve the administrative purpose of broadcasting an easily identifiable institutional commitment to providing a safe and welcoming environment to a wide array of presumably vulnerable students. What’s rarely considered, however, is the likely long-term impact on those very students whom administrators seek to protect.

We live in a disputatious society. Beyond a few narrowly defined exceptions to the First Amendment (such as “true threats,” defamation, and “severe or pervasive sexual harassment”), our graduates won’t be able to turn to a protective government to silence expression they don’t like. How are we preparing them to participate in a contentious marketplace of ideas, other than training them to shout a reflexive “Shut up!”?

Court cases testing the limits of the First Amendment usually involve provocative expression. Provocative expression, in turn, tends to be associated with social, political, or ethnic minorities’ striving to make themselves heard. Those minorities will be at greatest risk from speech-code enforcement, since majorities on college campuses and elsewhere are unlikely to censor themselves. A classic example in the higher-education setting is the 1973 U.S. Supreme Court decision in *Papish v. Board of Curators of the University of Missouri*. The petitioner in that case – a journalism graduate student with a prior history of circulating what the university regarded as “pornographic, indecent and obscene” literature from the Students for a Democratic Society – was

expelled for selling an underground newspaper that featured a front-page cartoon depicting policemen raping the Statue of Liberty and the Goddess of Justice, and that contained an article with an expletive as a title.

The Supreme Court reversed the student's expulsion and stated that "the mere dissemination of ideas – no matter how offensive to good taste – on a state university campus may not be shut off in the name alone of 'conventions of decency.'" The court rejected the argument that the expression was "obscene" (i.e., appealed to prurient interests) and concluded that "precedents of this Court make it equally clear that neither the political cartoon nor the headline story involved in this case can be labeled as constitutionally obscene or otherwise unprotected."

There is nothing remarkable about the court's conclusion. It echoes Justice Hugo Black's classic dissenting opinion in *Communist Party v. Control Board* (1961) that the "freedoms of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish." And it can be found in more-recent decisions, like *Rosenberger v. University of Virginia* (1995), where the court saw student freedom of expression in a campus "marketplace of ideas" as the foundation of higher education itself:

In ancient Athens, and, as Europe entered into a new period of intellectual awakening, in places like Bologna, Oxford, and Paris, universities began as voluntary and spontaneous assemblages or concourses for students to speak and to write and to learn. ... For the University, by regulation, to cast disapproval on particular viewpoints of its students risks the suppression of free speech and creative inquiry in one of the vital centers for the nation's intellectual life, its college and university campuses.

What's striking, then, about the *Papish* case is not the majority opinion, but the dissents by Chief Justice Warren Burger and Justice William Rehnquist. Chief Justice Burger summarized a core element of their argument when he wrote, "In theory, at least, a university is not merely an arena for the discussion of ideas by students and faculty; it is also an institution where individuals learn to express themselves in acceptable, civil terms." Burger's perspective – that student freedom of expression on college campuses could be circumscribed by pedagogical concerns both in and outside the classroom – would have provided a legal foundation for campus speech codes, had it ever attracted a majority on the court.

Yet out of many law-review articles promoting the campus speech-code movement in the 1980s, I found none that commended the Burger or Rehnquist dissents in *Papish*. That's a remarkable omission. Why not highlight a key dissent from the chief justice that advances your position? The only conceivable answer is that supporters of speech codes on the left were reluctant

to concede that such codes were also attractive to the ideological right. In those heady, self-righteous days, no one wanted to acknowledge that giving universities broadly defined powers to censor uncivil speech might be used in ways most speech-code advocates wouldn't like.

Unfortunately, the fundamental agreement between the right and left on the need to promote campus civility was primarily a consensus about methodology. Both depended on punishment rather than education, suasion, and peer influence. The end result went beyond a series of failed speech codes at some of the nation's leading universities – all eventually struck down by the courts. It ultimately promoted a culture of silence on issues of race and constituted a lost opportunity to teach students how to confront “bad” expression with expression that was better reasoned and better expressed.

Perhaps the best post-mortem of a failed speech code involved the University of Wisconsin code, struck down by a federal court in 1991. In a 1993 *Los Angeles Times Magazine* article, the Pulitzer-Prize-winning writer Barry Siegel reported that Roger Howard – the associate dean of students at the Madison campus, an initial supporter of the code, and an administrator charged with its enforcement – eventually concluded that “it's better policy not to have a code. ... The human instinct – or the American instinct – for censorship is just too strong.” Howard was particularly concerned that the code promoted a “McCarthyesque venue. ... I've heard of students saying ‘Shhh – don't say anything about affirmative action, the university will punish you.’ ... I think there was a chilling effect.”

Siegel's 1993 article on the demise of the UW code, however, also helps explain why speech codes continue to endure on other campuses more than a decade later: “Beyond the desired diversity of color and gender,” he wrote, “surely there was also an enforced orthodoxy of thought and expression. ... [A]mid all this talk of the code's value as symbol, it was a bit unclear just whom the symbol was meant to protect – minority students from harassment by racists or UW leadership from denunciation by minorities.” Speech codes, in other words, may serve the primary purpose of diverting attention from more substantive issues of inclusion and civility, allowing administrators to focus on cosmetic approaches unlikely to produce any lasting change in campus cultures.

In 2003, following a lawsuit by a free-speech advocacy group, a federal judge issued an injunction against Shippensburg University that barred it from enforcing parts of its speech code. The university abandoned its code in 2004, even though the case's plaintiffs had not been punished for violating it. The court observed, “While we recognize that citing students under the suspect provisions has not been a common practice, in the hands of another administration these provisions could certainly be used to truncate debate and free expression by students.” Indeed, one of the student plaintiffs in the case asserted that she “was reluctant to advance certain controversial

theories or ideas regarding any number of political or social issues because ... she feared that discussion of such theories might be sanctionable.”

The Shippensburg case highlights that even dormant speech codes continue to depend upon explicit or implicit threats of punishment. The only beneficiaries of that approach have been a new cohort of campus conservative activists, who thrive on the excitement and attention of being portrayed as First Amendment martyrs.

College administrators simply haven't given sufficient thought to creative alternatives, even though recurring speech-code controversies have created opportunities to promote the holy grail of undergraduate education: enhanced skills in listening, reasoning, gathering and weighing evidence, considering the aims and feelings of others, and understanding core components of citizenship, like the responsibility to protect and promote constitutional freedoms.

Administrators looking for new approaches have several good examples to emulate, most arising out of an earlier era of speech-code development. The columnist Nat Hentoff described one possibility in a 1991 *Washington Post* article about the response of four black women at Arizona State University to a racially offensive flyer posted on a residence-hall door. Instead of seeking to invoke ASU's speech code, the women told the occupants why they objected to the flyer (which was promptly taken down). Then, with the support of ASU administrators, they helped organize a series of campus forums and discussions, as well as a residence-hall program on African-American history. Lively correspondence continued in the campus newspaper, culminating in a letter to the editor (“names withheld upon request”) that read: “We would like to extend our sincerest and deepest apologies to anyone and everyone who was offended by the tasteless flyer that was displayed on our front door. ... We did not realize the hurt that would come from this flyer. We now know that we caused great distress among many different people, and we would like again to apologize.”

Similar outcomes elsewhere aren't guaranteed. Without proper leadership from college deans and presidents, intensely emotional issues can turn into shouting matches rather than thoughtful dialogue. At a minimum, however, offending students can be challenged to become First Amendment practitioners and active participants in a serious discussion, instead of First Amendment martyrs. And offended students can be encouraged and assisted in employing a broad range of strategies – holding open forums, conducting lawful demonstrations or vigils, or simply issuing invitations to public debates – that will help them acquire skills in challenging rather than censoring expression they don't like. Some schools have endorsed this approach protecting “the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable” in published guidelines, like the Yale University Policy on Freedom of Expression (written by the late C. Vann Woodward, one of America's most distinguished historians).



In his 1929 essay “The Aims of Education,” Alfred North Whitehead wrote: “Every intellectual revolution which has ever stirred humanity into greatness has been a passionate protest against inert ideas. Then, alas, with pathetic ignorance of human psychology, it has proceeded by some educational scheme to bind humanity afresh with inert ideas of its own fashioning.” A better summary of the speech-code phenomenon would be hard to find. The ideals that gave life to the civil-rights movement arose out of an intense clash of ideologies and convictions. A whole new vocabulary of justice was created in the process. That vocabulary can’t be frozen in amber. Each generation should be encouraged to develop the skills to contribute to it. Doing so requires an atmosphere of freedom – an atmosphere in which fundamental values are questioned, tested, reformulated, and revitalized, not turned into stale dogma.

#### **Note**

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<sup>1</sup> Reprinted with the permission of the author from *The Chronicle of Higher Education Review*, Volume 53, Issue 15, Page B14.

**Tim Mosteller**, *California Baptist University*

**On the Epistemic Possibility of Blasphemy, Heresy, and Freedom of Speech**

In this paper, I consider two possible rejections of the epistemic reality of blasphemy and heresy. I argue that these rejections fail. First, I consider a relativistic rejection of heresy and blasphemy by considering a general objection to epistemological relativism coupled with a brief account of the possibility of epistemic neutrality between competing religious claims. Given neutrality, it is possible that a particular religious claim may really be blasphemous or heretical. Second, I consider a realistic (i.e., non-relativistic) rejection of heresy and blasphemy. I argue, following Eleanor Stump, that if one's epistemology is to be both coherent and true, including an epistemology that rejects blasphemy or heresy as real, there must at least be the possibility of blasphemy or heresy. These ideas are then connected with the general notion of how the epistemic reality of blasphemy and heresy function in free and pluralistic societies which desire truth and coherence in their religious belief.

## **On the Epistemic Possibility of Blasphemy, Heresy, and Freedom of Speech**

**Tim Mosteller**, *California Baptist University*

### **Introduction**

Is there heresy or blasphemy anymore? Heresy is understood to be an act committed by subject *S* just in case *S*, a member of a religious (or other) belief system *R*, believes *b* where *b* is a chosen rejection of a widely accepted belief *p* within and central to *R*, and blasphemy is committed by *S* just in case *S* believes *p* where *p* contains an irreverent or profane rejection of a widely accepted belief *q* within a religious (or other) belief system.<sup>1</sup> Or have heresy and blasphemy gone the way of concepts like leprechauns and trolls? We can talk about them, but they don't pick out anything real. We might tolerate people who pretend as if they existed, just like we tolerate small children who believe in the tooth fairy, but when people start acting like there really are such things as blasphemy and heresy and begin acting on these beliefs, then we might begin to worry.

What might be a good reason to believe that heresy and blasphemy do not exist? A rejection of the existence of heresy and blasphemy isn't quite like rejecting the existence of leprechauns or the great Florida "skunk-ape" (who supposedly resides in the Everglades, and for whom the research institute is located in Ochopee). Most people who have thought about the existence of these entities reject their existence because there is insufficient evidence to believe that they exist. However, one wouldn't want to reject the existence of blasphemy and heresy for those reasons. There are plenty of people who accuse others of being blasphemers or heretics, and there are plenty of people who claim to be blasphemers or heretics. But accusing someone of being a blasphemer or heretic doesn't mean that blasphemy or heresy is real, any more than accusing someone of being a witch or demon possessed necessitates that they are. The question must be answered: Are heresy and blasphemy real epistemic possibilities? If so, then there may very well be blasphemers and heretics. I would like to consider two possible rejections of the notions of blasphemy and heresy and show that these rejections fail, and thus, there is a possibility that blasphemy and blasphemers along with heresy and heretics are really possible as well. I will then move to consider how this possibility relates to the value of freedom of speech.

There are two broad reasons why one might think that blasphemy and heresy are not real. First, there is a relativistic rejection of blasphemy and heresy. This first position rejects the reality of blasphemy and heresy because it views all religious beliefs as equally true, or relatively true. A religious belief is simply "true for" the adherent of a particular religion. On this view, someone who

is putatively a heretic within a religion would not *really be* a heretic, because the truth (or justification) of her belief is relative to her (*qua* heretic) belief system. The second rejection of blasphemy and heresy might come from someone who is not a relativist (or who rejects relativism for the reasons I give below), and who thinks that religious beliefs do have truth values (they are neither meaningless nor merely expressions of religiously motivated emotions). Let us call this a realistic denial of the reality of blasphemy and heresy. This person would maintain that these concepts don't apply to anything simply because all religious propositions are false. Thus, Catholics may call Protestants (or vice versa) heretics, but since the proposition that "God exists" is false, then both the Catholic and Protestant Christians have false beliefs and the notion of being heretical in this case simply falls flat. I will consider each of these two views in turn, first the relativistic and then the realistic rejection of the reality of heresy and blasphemy.

### A Relativistic Rejection of Blasphemy and Heresy

There is a key distinction between two ways in which heresy and blasphemy are relative to religious traditions: (1) a trivial way and (2) a substantial way. On the trivial way, heresy and blasphemy are relative to a religion in that for a claim even to be considered heretical or blasphemous it must be made within a particular religion, where the orthodox or pious beliefs are centrally important to the religion. For example, the claim *p*: "Jesus was not crucified" is only heretical within the Christian religion, but not heretical within, say, Athena worship, since *p* is not central to Athena worship, or within Islam since *p* is believed to be true within Islam and so cannot be heretical. However, on the substantial (and I think problematic) way in which heresy and blasphemy are relative to religious traditions, not only is a belief *p* trivially relative, but *p* is thought to be true or justified only within that particular religion such that the truth of *p* is generated or made by the standards of the religion in which it is made.

The substantial relativistic rejection of blasphemy/heresy claims that the reality of the concepts of blasphemy and heresy are merely relative to the religious system in which they are being used. There may be putative blasphemers or heretics, but there are no real blasphemers, because really to blaspheme or to err in one's religious belief is really impossible. This is due to the fact that the opposites of blasphemy and heresy (i.e., reverence and orthodoxy) contain within them beliefs the truths of which are simply relative to the religious traditions from within which they are made.

The substantial relativist account of blasphemy might take the following two part approach.<sup>2</sup>

1. A putatively blasphemous or heretical belief *p* is blasphemous or heretical only within some religious (or other) belief system R, where R provides standards of

evaluation such that  $p$  is judged to be heretical or blasphemous only within the constraints of the standards of epistemic justification within  $R$ .

2. Given a different religious (or other) belief system  $R^*$  (where the blasphemous or heretical belief within  $R$  is established as pious or orthodox or both) there is no neutral way to determine which standards of justification to use to determine the orthodoxy or piety of  $p$ .

So, for example, the relativist might make use of the following example:

On the one hand an Orthodox Christian claims to have established  $p$ ,  
 $p$ : Jesus was divine in nature and not created by God,  
 by means of the following standards of evaluation  $S_1$  found only within Christianity ( $R_1$ ),  
 $S_1$ : Consistency with the accounts of the New Testament and Church Tradition.

For the Orthodox Christian,  $S_1$  is a legitimate standard found only within the constraints of  $R_1$ , making  $p$  an orthodox belief within  $R_1$  and  $\sim p$  a heretical belief within  $R_1$ .

On the other hand, an Arian Christian claims to have established  $q$ ,  
 $q$ : Jesus was not divine in nature and was created by God.<sup>3</sup>  
 by means of the following standard of evaluation  $S_2$  found only within Arianism ( $R_2$ )  
 $S_2$ : Consistency with philosophical assumptions of Greek philosophy.

For the Arian,  $S_2$  is a legitimate standard found only within the constraints of  $R_2$ , making  $q$  an orthodox belief within  $R_2$  and  $\sim q$  a heretical belief within  $R_2$ .

The relativist will further add that given a dispute between  $S_1$  found within  $R_1$  and  $S_2$  found within  $R_2$ , there is no neutral way to adjudicate between these two standards of evaluation which are relative to the religions in which they occur. Thus, one person's putative orthodoxy is another person's putative heresy. Thus, the concepts of orthodoxy/heresy and blasphemy/reverence are concepts which are not real at all in the sense that they point to something that is independent of the particular justification standards found within a particular religious tradition. These concepts are merely relative concepts. There is no real heresy (or orthodoxy), only "heresy within" or "heresy for" a particular group within a religious tradition. There is no real blasphemy (or reverence), only "blasphemy within" or "blasphemy for" a particular religious person in a religious tradition. This completes the relativistic denial of the existence of blasphemy or heresy.

This relativistic denial of the possibility of blasphemy or heresy, however, is mistaken, because it rests on a faulty relativistic epistemology. Relativism about blasphemy or heresy functions as a broader instance of a type of self-defeating epistemological relativism which can be shown to be faulty by considering a fairly straightforward *reductio* argument.

1. If the relativistic account of the relativism of blasphemy and heresy is itself a position that is reasonable to believe, then the relativist must have good reasons for holding to it.
2. If there are good reasons for holding to the relativist's position, then those good reasons are neutral (by definition of "good reason").
3. According to the relativist, it is not the case that those good reasons are neutral.
4. Therefore, according to the relativist, there are not good reasons for holding to the relativist's own position.
5. Thus, there are not good reasons for holding to the relativist's own position.

Further, the relativistic account of heresy or blasphemy (RHB) is a belief that is found within a belief system ( $B_1$ ) held by the relativist which contains internal to it its own standards of justification  $s_1-s_n$ . But, it is possible that on some other belief system ( $B_2$ ) with standards of justification of  $s_1-s_n$ , RHB is not justified. RHB might be justified within  $B_1$  but not be justified within  $B_2$ . Further, the relativist on her own grounds must add that there is no neutral way to adjudicate between  $B_1$  and  $B_2$  in order to establish RHB or  $\sim$ RHB. But this implies that there are no good reasons to accept RHB. Thus, the relativistic denial of the possibility of real blasphemy and real heresy fails.

It is not my intention in this paper to argue for or against the orthodoxy or piety of any particular religious belief (i.e., to point out which beliefs are heretical or blasphemous). It is simply to show that contra a relativist's denial, heresy and blasphemy are real possibilities, that it could turn out that there are religious beliefs which are blasphemous (or pious) and heretical (or orthodox). The real possibility of these concepts comes from a consideration of the reasons that (in our case) religious people have for holding the beliefs that they hold. For example, in our case above, an Orthodox Christian might have reasons for holding to her standards of justification. Such reasons might include the reliability of certain other historical data presented in the New Testament (e.g., archeological confirmations of Gospel claims). Similarly, an Orthodox Muslim might have reasons for holding to her standards of justification. For example, the *Quran* itself might be considered as a book the properties of which cannot be explained other than through an appeal to a divine miracle. These are non-arbitrary reasons, and may turn out to be really good reasons for holding to the standards of justification that these religious believers have. Neither the Christian nor the Muslim

must necessarily be committed to the possibility of these particular standards of justification as being the standards which solve all of the disputes about whose beliefs are heretical or blasphemous and whose are not. However, they are (in virtue of having non-arbitrary reasons for their standards of justification) committed to the possibility of a kind of “local neutrality” which provides the epistemic space for them to possibly adjudicate their dispute. Such adjudication would focus on the epistemic or evidentiary goodness of the reasons that each disputant has for their standards of epistemic justification. This implies that religious orthodox and pious knowledge is a real possibility. This may also imply a need for free inquiry between religious traditions in order that the opposing reasons for the justification standards within each tradition can be rationally (as opposed to non-rationally, e.g., by force) adjudicated.

### A Realistic Rejection of Blasphemy and Heresy

This leaves us with the second way in which one might deny that blasphemy and heresy are real epistemic possibilities. They simply cannot be real because the content of the religious beliefs which are called heretical (or orthodox) and blasphemous (or pious) do not correspond to anything in the world.<sup>4</sup> They are simply false. One might be an anti-relativistic atheist or naturalist committed to the belief that the only things which are real are physical entities reducible to the categories of current or future physics. The reason why one might think that there simply are not or cannot be blasphemers or heretics is due to the content of the beliefs accused of being heretical or blasphemous. The content of *S*'s putatively heretical or blasphemous belief is directed toward a particular object. If the belief is thought to be heretical then it is directed towards the negation of the content of a widely held religious belief, and if it is blasphemous then it contains an irreverence and profane content directed toward a widely held religious belief. But, in regards to religious beliefs thought to be heretical or blasphemous, since the religious beliefs are false, there simply can be no heresy or blasphemy. This might be analogous to a small child who believes in Santa Claus and has a belief that is directed toward a fictional man in a bright red suit. While it may be that a believer in Santa Claus who denies that St. Nick lives at the North Pole (a fairly central belief for believers in the big man), would be a heretic within the community of believers in Santa Claus, in what sense would this person *really* be a heretic? In this case the belief held by the putative heretic is directed toward a non-existent object. If these beliefs do not have objects answering to them, then the putative heretic does not really exist at all *qua* heretic. The same might be said about blasphemy. If I climb mount Olympus in Greece and curse Zeus when I reach the summit, am I committing blasphemy? No. There is nothing in existence towards which I am being impious.

This very well may be right that, *qua religious* heresy or blasphemy, the concepts fall flat, but this does not rule out these concepts altogether. For even the realist (in this case atheist/naturalist) rejecting these concepts has within her system of beliefs some beliefs which are central and even essential for her to have the belief system she has. If someone deviates from one or more of those central beliefs, then that person would be a heretic within that particular system of belief. Eleanor Stump recognizes this notion with respect to agnosticism of religious belief when she writes,

In fact, we couldn't even have agnosticism [about religion] if we abandon the notion of orthodoxy<sup>5</sup> ... the agnostic, too has some claims he takes to be true and central to his position .... Someone who advertised himself as an agnostic but who rejected the claim that we don't know religious truth would himself be rejected by the agnostics he was trying to associate with. In agnosticism too, there is an orthodoxy. Accepting the notion of orthodoxy therefore seems to be necessary in order to have any coherent worldview at all."<sup>6</sup>

It is just on this notion of a coherence of worldview that I would like to turn to how the concepts of heresy and blasphemy relate to free speech and social charity. It seems reasonable to believe that one hopes to have a belief system that is at least coherent and true as well. One need not look farther than simple examples to show the importance of a coherent belief system. I might incoherently believe that gasoline is needed to power my grey car, but diet cola will power my red car, due solely to the fact of the difference in the color of the vehicles (even though I know that they have the same type of gasoline engine). Having this incoherent belief system can lead to trouble just getting my red car out of the garage. In addition, one might have a coherent belief system that is just false all the way around. I might believe that all gasoline engines can run on diet cola, a coherent but false belief system. If it is possible to recognize that a coherent system of beliefs is desirable, but that it is possible that a coherent system of beliefs could be false, and if orthodoxy is a necessary component to having coherent belief system, then it seems that one of the things that can provide a possible check on orthodox systems which are coherent but false, is the possibility of freedom to pursue what is true. This freedom would be hollow, if it did not contain within it the possibility to speak freely about what one believes. Since orthodoxy and with it the possibility of heresy and blasphemy, are necessary conditions for a coherent belief system, it follows that freedom of thought and speech (even if they really are blasphemous or heretical) are necessary checks upon belief systems so that incoherence and falsehood can be avoided.

I'm not sure that I can argue for the truth of the claim that we ought to desire to have both coherent and true beliefs. I think that it is fairly self-evident. Just try living life with lots of false beliefs or beliefs that are incoherent. We desire coherence and truth in our beliefs, and we don't



have to look beyond simple cases to see this. If the concepts of orthodoxy are necessary for a coherent system of belief, and if we desire coherence of our beliefs as well as truth, then we ought to desire freedom of speech as well. This simply means that free speech will be necessary for the possibility of any coherent belief system of which necessarily orthodoxy (and heresy and blasphemy) are real possibilities.

### **Conclusion: Blasphemy, Heresy, and the Necessity and Need for Free Speech**

Let me make one final thought on the connection between heresy/blasphemy and freedom of speech. In his *Abolition of Man*, C.S. Lewis argues that all values are contained within, what he calls for short, *The Tao*. This is a broad inclusive notion of objective value in which the truth of value judgments are determined by real value properties which are in the world, are independent of human cognition, and to which human emotions can be either congruent or incongruent. In the second chapter of this remarkable work, Lewis argues that all values hang together. The idea is that if any value is real, then all values are real. Any attempt to pick some values as real over others, is purely arbitrary. Eleanor Stump argued above that orthodoxy is a real value (epistemically speaking) and a necessary condition for any coherent belief system. I want to add to this that if orthodoxy is a real value, then freedom of speech is a real value as well. For the distinction between a coherent versus an incoherent or a coherent and true versus a coherent and false system of belief necessarily requires that one be able to see the distinction between incoherence and coherence or falsehood and truth. Being able to see this distinction requires the freedom to examine one's belief system and freely choose to identify incoherence or falsehood and to act appropriately when it is recognized. This freedom to search for what is true and coherent is a necessary condition for the possibility of any epistemic orthodoxy, and thus necessarily it should highly valued.

Indeed, the concept of heresy, at least, may be a double-edged sword. It may provide a motivation for strengthening beliefs which are true but don't have good justification. When heresy occurs, and it is real, (i.e., the orthodox beliefs are true), it may motivate those who do have true beliefs to give further more reasonable and better justification for their beliefs.<sup>7</sup> Similarly, heresy might motivate a radical shift in beliefs such that in calling into question the putative truth of orthodox beliefs, it causes a community of believers subsequently to reject those beliefs in favor of the ones that are true.<sup>8</sup>

Blasphemy seems to me harder to justify as motivating a search for coherency and truth. Although, it seems that real blasphemy might motivate members of a religious tradition to question the veracity of their own piety. It also may be useful in causing members of a religious community to further demonstrate love towards those who really are blaspheming, especially if the cultivation of

charity is central to the religion.<sup>9</sup> In addition, acts of putative blasphemy might motivate a further search for truth. For example, suppose we leave as an open question the truth of Jesus' claim that in the future the people accusing him during his trial would see him sitting at the right hand of God.<sup>10</sup> While the New Testament narrative claims that Jesus was accused of blasphemy, and although he may have really been committing blasphemy (if his claim were false), the blasphemous claim itself at least might motivate his hearers to consider whether it were true or false, thus contributing to the possibility of a coherent and true belief system.

My main motivation for this paper has been to show that blasphemy and heresy are real possibilities since relativism is a non-starter. In addition, the connection between freedom of speech and the possibility of blasphemy and heresy seems like a reasonable one as it may contribute in our search for what is true. I fear the loss of the reality of the concepts of blasphemy and heresy in contemporary intellectual and popular discourse, partly because as Stump argues above, these are connected with orthodoxy which is a necessary condition for any belief system whatsoever, including belief systems about the real values of religious tolerance and freedom of speech, which we so desperately need. If we jettison these concepts due to relativistic thinking, we jettison too the very possibility of freedom of thought and inquiry so central to human well being.

### Notes

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<sup>1</sup> Eleanor Stump has argued that heresy requires that the person intentionally rejects a central tenet of the religion in which the heresy is committed. See "Orthodoxy and Heresy," *Faith and Philosophy*, Vol. 16, No. 2 (April 1999), 147-163. The definitions I am using here operate on the assumption that one can pick out beliefs which constitute heresy, which, as Alvin Plantinga has pointed out, can be quite difficult. See "On Heresy, Mind and Truth," *Faith and Philosophy*, Vol. 16, No. 2 (April 1999), 183-193.

<sup>2</sup> This account of relativism is taken from Harvey Siegel, *Relativism Refuted: A Critique of Contemporary Epistemological Relativism* (Dordrecht, The Netherlands: D. Reidel Publishing Company, 1987), 6.

<sup>3</sup> This is the Christian heresy of Arianism, from Arius (250-336 A.D.), which is roughly the idea that Jesus was not one nature with God but was created by God.

<sup>4</sup> This assumes, I believe, some type of minimal correspondence theory or view of truth.

<sup>5</sup> I would add, "and with it the possibility of heresy."

<sup>6</sup> Stump, "Orthodoxy and Heresy," 155-156.

<sup>7</sup> Augustine says, "For while the hot restlessness of heretics stirs questions about many articles of the Catholic faith, the necessity of defending them forces us both to investigate them more accurately, to understand them more clearly, and to proclaim them more earnestly; and the question mooted by

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an adversary becomes the occasion of instruction” (*City of God*, Book 15, Chapter 2, <http://ccel.org/fathers/NPNE1-02/Augustine/cog/t83.htm#t83.htm.3>), referenced in Stump 1999, 160.

<sup>8</sup> This might occur along the lines suggested by Alasdair MacIntyre in which one religious tradition begins,

to understand and to evaluate—by their own standards—the characterizations of their positions advanced by their rivals .... Indeed nothing precludes the discovery that the rival tradition offers cogent explanations of weaknesses, of inability to formulate or solve problems adequately, of a variety of incoherence in one’s own tradition for which the resources of one’s own tradition had not been able to offer a convincing account .... [A]n encounter with a rival tradition may in this way provide good reasons either for attempting to reconstitute one’s tradition in some radical way or for deserting it (Alasdair MacIntyre, *After Virtue* (U of Notre Dame P, 1984), 276-277).

<sup>9</sup> Christians, I think, should especially be committed to this. On their view, the one believed to be the way, truth, and life was one who, when reviled and tortured, forgave and loved.

<sup>10</sup> Matthew 26:65.

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**Now, Is That *Really* Blasphemy? Heretical Meaning and Belief**

Religious tensions in America, as well as abroad, are nothing new. Yet, in this current epoch various cultures around the world are involved in internal clashes between religious and secular groups that pull at the attention of the public more often than not. Though a myriad of issues confront anyone interested in investigating these tensions, one must first wonder what, exactly, blasphemy means to both sides of the debate. In the course of doing so, one interesting question arises: What does it mean to consider speech against a secular group's belief in a given object, text, or even another belief as blasphemous?

The point of this paper is to inquire into the semantic status of blasphemy. First, I will outline various possible definitions of blasphemy and take into consideration what such definitions mean to those on the opposite side of the fence (atheistic and secular groups). Second, I will explore how extending such a definition to both parties (i.e., allowing secular groups to assimilate the label "blasphemy" into their vocabulary) would change the semantic landscape of the current cultural debates. Last, I will propose a modest solution to how one should view issues surrounding blasphemous speech and the freedom of expression.

## **Now, Is That *Really* Blasphemy? Heretical Meaning and Belief**

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### **I. Introduction**

Tensions between religious and secular groups in America and abroad are nothing new. Yet, at present, various cultures around the world are involved in internal clashes between competing beliefs that engage the attention of the public more often than not. Though a myriad of different issues, ranging from whether abortion should be legal to the role science plays in establishing truth, encompass debate between religious and secular groups, one must first inquire into the semantics behind both groups before dealing with the content of particular issues. Not a purely academic matter, the practical need for the clarification of concepts present in any group of inquirers allows one to focus on the debate between issues, as opposed to the possible mess of incommensurable vocabularies. This being the case, a key issue is where the boundaries of public discourse are set. In the course of analyzing such an issue, one interesting question must be answered: What does blasphemy against a sacred belief mean to a non-believer and what does blasphemy against a belief held as “sacred” by a secular group mean to a religious believer?

The point of this short paper is not only to inquire into the meaning of blasphemy across the board, but also to attempt to understand how blasphemy should be understood in public discourse and what practical difference this understanding makes. To this end, this analysis is situated against any argument that attempts to protect religious beliefs from blasphemous speech, while excluding the same protection from beliefs held as sacred to other groups – namely secular groups or individuals. First, I will outline a conventional definition of blasphemy and take into consideration what such a definition may mean to those on the opposite side of the fence (i.e., those who are not adherents to a particular sect, creed, or belief). I will also deal with various understandings of “the sacred,” as most definitions of blasphemy refer to a given belief as sacred. Second, I will explore how extending such a definition to secular culture would change the semantic landscape of the current cultural debates. Last, I will propose a modest solution to how one should view issues surrounding blasphemy and inquire into how such a solution affects one’s speech in public discourse beyond a strictly academic solution to a logical puzzle.

The basic argument is that the concept of blasphemy can be extended to the beliefs found in secular groups. Once the concept of blasphemy is extended to both sides of the debate, blasphemy more or less loses its mainly religious connotations. Once secularists, a group by no means unanimous in their beliefs, are allowed to consider speech against anything they hold sacred as blasphemy, the boundaries of public discourse become constrained to the point that communication, freedom of expression, and inquiry are severely curtailed. If I think the Packers football team is sacred, it would be considered “blasphemy” to speak out against this team. This line of reasoning brings one to absurd conclusions<sup>1</sup> not only at the boundaries of public discourse, but in everyday life. Specifically, if speaking out against anything that is considered sacred is blasphemous, and blasphemous speech is not allowed, then the boundaries of public discourse will be given extremely narrow parameters. The conclusion of my argument focuses on the idea that the boundaries of public discourse must be interpreted as liberally as possible, unless one wishes to end up in an almost mute society in which people are forbidden to speak, think, and question freely.

It is important to point out that this inquiry is limited to speech acts while avoiding discussion of other acts that could be construed as blasphemous. One imagines the distinction is clear enough; conditions construed as blasphemous that are largely action-based may deal with entirely different issues. This is not to make an intellectual distinction, but a brute one: the act of blaspheming an object in a physical way literally interacts with the world in a way different from speech. A religiously motivated act that involves randomly sacrificing members from a certain set of individuals will involve a different kind of interaction with normativity, law, ethics, society, possible meaning, and any notion of discourse, as opposed to uttering statements against the religious or non-religious motivations behind such actions. This being the case, to limit the scope of this inquiry, my focus will be on one set of potential rules that are linguistic rather than physical ones.

## **II. A Conventional Definition of Blasphemy**

Defining the conventional meaning of any concept, especially one that is up for heated debate between two or more different cultural groups, can never be exact. If one is interested in offering a definition of blasphemy that at least makes an attempt at accuracy towards the view held by the general population of a given community, one might adopt F.C.S. Schiller’s position that “in science and in practical life probability is all-important.”<sup>2</sup> This is to say that the definitions analyzed in this specific instance do not assume to correspond accurately to the general consensus, but hope to share many similarities to a common conception of blasphemy rather than a strictly academic one. This being the case, a common dictionary definition of blasphemy may suffice as a starting point if

one is willing to deal with the assumptions and challenges that may arise from the use of such a source.

One can define blasphemy in at least two different ways. First, one could understand blasphemy as “irreverent behavior toward anything held as sacred or priceless.”<sup>3</sup> This definition may capture the general meaning of the term, yet a historical aspect seems to be missing. It would seem a safe assumption that most individuals, despite their collective variety of beliefs, associate the term “blasphemy” with speech against a specific religious belief or figure. This is not to say that a fixed definition of blasphemy must *necessarily* include some sort of religious reference (in fact, in this paper I am arguing otherwise), but that the commonly held conception of blasphemy is one that generally holds some kind of reference to religious belief. Historical accounts of blasphemy and blasphemous offenses express a similar viewpoint, acknowledging that the origin of the term is one of religious creation.<sup>4</sup>

This being the case, a more liberal definition of blasphemy might be “an impious utterance or action concerning God or sacred things.”<sup>5</sup> Admittedly, “sacred things” seems a bit vague, but the second definition is able to encompass what could be called both the religious and secular aspects of blasphemy through the disjunction of “God” with “sacred thing.” Without a reference to religion that one might understand as normally setting the context for that against which one is blaspheming, it would seem difficult to construe a specific definition of blasphemy coming close to the generally held conception of the concept. In fact, as previously mentioned, most if not all, histories which touch on the uses of blasphemy do so by either referring to a struggle against religion or within it.<sup>6</sup> Despite this fact, there is one commonality that holds both definitions together and allows one to extend the same meaning of “blasphemy” to both cultural groups. The inclusion of “sacred things” into the definition of blasphemy seems to allow one to encompass both the religious and non-religious aspects into the concept without excluding either.

Yet, one may observe that this simply shifts the focus of the argument from what is meant by “blasphemy” to what is meant by “the sacred.” I assume that there are at least two different strategies for defining the sacred. On the one hand, one may insist that the term “sacred” must always be applied to a *religious* belief about a given object, text, or experience. This, however, simply seems to be an *ad hoc* move. There is no reason to think that only religious beliefs about x can be sacred, nor is there reason to think that secular individuals cannot hold a certain belief about x as sacred in the same way a religious individual can. As absurd as it may seem to suggest that the Green Bay Packers are somehow sacred to someone, there is at least no reason to think that this cannot be the case. Defenders of the idea that the term “sacred” can be applied only to beliefs about x of religious origin and appeal to the historical fact that such talk is usually associated with religion are simply depending upon tradition to prop up their position.

On the other hand, a more liberal definition of the sacred, much like the definition of blasphemy offered above, would be one that extends the notion to both sides of the debate. I am not concerned here to offer an exhaustive account of what it means for x to be sacred for a given individual. Such a project is both large and outside the scope of this paper. Nonetheless, for the current project, it seems sufficient to suggest that a belief about x being sacred means that the belief is tied to the identity of an individual or community and that it is generally assigned a high status of importance. This is to differentiate a sacred belief about x from an assortment of other beliefs and insist, in some way, that the belief plays some sort of important role for an individual or community.

Another strategy for defining the sacred might be to try to uncover what in an individual's religious experience may offer a reason to construe a certain belief about x as sacred and determine whether such experiences could be found in the life of non-believers. Though a number of philosophical works exist that inquire into the complexities of the sacred, such as Paul Ricoeur's *Figuring the Sacred*, it is important to point out that the kind of analysis I am offering is not the kind of hermeneutical project offered by Ricoeur. While there might be value in Ricoeur's attempt to get back to the "originary expressions of a community of faith,"<sup>7</sup> the level of language with which I am concerned is explicitly located in what Ricoeur calls "second-order discourse."<sup>8</sup> One could argue that returning to the phenomenology of religious experience may shed light on higher-level discourse. Even though I am not willing to rule out such an argument completely, it is unclear how that would change my current project. I am explicitly concerned with problems that seemingly arise only in sophisticated languages as social concerns, and I am skeptical that even if one is able to "get back" to the phenomenology of what makes a belief about x sacred that it would change the analysis and conclusion of this paper.

Might one still insist that religious assertions or beliefs are somehow different from concerns present within a secular culture? If so, it is not altogether clear, aside from their content, how religious beliefs are different from secular beliefs. What comes to mind is something closer to a circular argument that pleads for differing consideration. In one example, one may claim that there is something different about religious belief (say, its premise of an omnipotent God), that sets it apart from all secular beliefs. Yet, is religious belief different because of its starting premises or are its starting premises different because they are religious beliefs? This question seems to invoke similar issues one may find in Plato's *Euthyphro*. In this case, it is not clear that this question is unanswerable, but the form of the belief leaves either answer seeming problematic. More to the point, even if one could escape the form of the previous question, one has not shown the structure of one's belief is different, only its content – and there seems to be nothing about any belief's content that would necessarily secure it from possible assault in the public forum. The commonality between a more historically-based definition of blasphemy and a more liberal definition – one that



drops any mention of religious beliefs or propositions from its content or encompasses both the religious and non-religious connotations – may be the one factor that sets both kinds of belief on the same field – namely, x being held as sacred to y, for reason p.

The underlying assumption I am trying to overturn is that there is something inherently special about religious beliefs that should be privileged over certain beliefs held by secular individuals. It is not clear how, exactly, one can argue that the content of a given belief is more “special” or deserves to be “protected” simply because it is religious. Though I am willing to grant that belief in the sacredness of a given text, object, or belief may hold significant weight for the identity of an individual or group, there is no reason to think that the same kind of role is not fulfilled in secular culture simply by a different text, object, or belief.

Of course, the underlying assumption present in this viewpoint is that a public assertion of a “private” belief should be up for scrutiny by others. This, I think, is an uncontroversial point. It would seem that by the very nature of an assertion being publicly uttered that it is, within the context of contemporary American culture, open for analysis, rebuke, support, counter-argument, and even ridicule. If one is interested in claiming that the content of a given belief that is asserted publicly may protect it from reproach, it would seem a separate argument would need to be put forth prior to any reconsideration of this common assumption.

Before moving forward, one last assumption that is lurking behind this definition must be discussed – namely, the assumption that the term “blasphemy” can be, is, or should be extended to speech against certain beliefs of non-religious agents. Despite the usual correlation of blasphemy and religion, there seems to be no *necessary* connection between the terms. *The only connection that seems necessary in both previously presented definitions of “blasphemy” is that in both cases, one is speaking against something that is considered sacred to someone or another.* In short, the only necessary aspect of a given belief, statement, or object to be blasphemed in language is that an individual or group holds the particular belief, statement, or object as sacred. This “something” need not be religious in nature, only believed, in all seriousness, to be sacred – a belief that should not be publicly (or possibly not even privately) disputed according to those who hold some belief or thing as sacred.

A clear example of this, apart from religious concerns, might be that of a secular culture’s valuing of civil rights (though this is not to suggest that religious groups do not value civil rights as well). A common charge against groups rooted in a secular culture is that they construe civil rights as next to godliness, as sacred in and of themselves. This may or may not be true, but if it is the case then any assertion against civil rights could be construed as blasphemous to that group’s belief in the sacredness of the first, or any, amendment to the U.S. Constitution. Considering this, the interesting question to ask is how the consequences of extending blasphemy to both religious and non-religious culture affect public discourse.

Even though no specific concern seems evident on the face of the matter, one worry arises when considering how free speech should or should not protect speech construed as blasphemous. Once anything held as sacred can be blasphemed, the boundaries of public discourse begin to narrow quickly. If one were to take blasphemy against a non-religious group or individual's beliefs seriously, nothing held as sacred could be spoken against – continuing to assume a situation where blasphemous assertions *should* be constrained in the public realm of discourse. This being the case, one can imagine both usual and rather unusual examples to how this would work. If an individual or group considers the United States Constitution, some facet of science, or our legal system, as sacred, critiques that attempt to speak against any of these beliefs, especially concerning traditional or entrenched beliefs, would be disallowed in public discourse in the same manner that blaspheming God or a variety of religious beliefs would be disallowed. To take this notion to its extreme would be to return to the example on which I touched in the introduction of this paper, where one would not be allowed to speak against the Green Bay Packers football team because someone somewhere believes the team to be sacred.

This describes, obviously I think, a social condition that no one would wish to see come to fruition. The question that must now be answered is how to deal with blasphemous speech if neither conclusion is acceptable. On the one hand, it would seem difficult to argue that religious beliefs must be protected against public acts of blasphemy because their subject matter is sacred, while excluding other sacred beliefs from the same protection simply because they do not hold religious connotations or origins. On the other hand, it also seems difficult to argue that all blasphemous assertions should be prohibited because public discourse would become so strangled as ultimately to suffocate.

### **III. The Conclusion and Consequence of Blasphemy**

One possible solution to the problem is to allow public discourse a wide set of boundaries when considering a given assertion to be so blasphemous that it merits censoring. A group that takes a rather ascetic outlook towards a specific religion might find this horrifying, but it would seem a small price to pay if one considers the otherwise-devastated picture of public discourse that would result without such protection. Blasphemous speech, whether referring to a secular or religious believer, may just be a facet of public discourse with which one would be better off than to be without it. This is to say that if no argument can be made to show why a sacred religious belief should be more protected (or protected at all) in public discourse than a non-religious belief that some consider sacred, then no blasphemous speech against any supposedly sacred beliefs should be constrained.

Another option might be to take the Rortyan route when dealing with religious – or in this case, sacred – belief and drop any “reference to the source of the premises of the arguments.”<sup>9</sup> Richard Rorty thinks that if every public discussion is couched only in shared premises, there seems little worry over what is or is not relevant (in this case, what is and is not blasphemous).<sup>10</sup> Yet, this seems just as (or more) problematic as a picture of public discourse where no blasphemous utterances are allowed. In this case, it would seem public discourse runs the risk of being silenced once again. If one cannot speak out against sacred beliefs, and one must use only shared premises to debate publicly, it would seem as if most arguments would lose their ability to be convincing. It would be remarkably difficult to make claims about the history of a specific species if one was not allowed to reference evolutionary theory. It would seem just as difficult to make arguments for the primacy of one commandment over another without referring to some religious fact. If one takes seriously Schiller’s argument that every individual’s philosophical arguments are simply an inextricable extension of that individual, it is hard to understand how a Rortyan dropping of premises could be reasonable.

In all fairness, Rorty focuses only on religious conversation in public discourse when making the suggestion to drop premises. Once blasphemy is extended to both sides, however, it seems that anything sacred in secular circles would take on the semantic status of something sacred in religious culture. Even though Rorty’s solution to the problem of “religion as a conversation stopper”<sup>11</sup> is aimed specifically at religious premises in public arguments, one could draw a parallel between Rorty’s treatment of these arguments and anything that is both non-religious and held as sacred. The commonality between the two is, again, that they are held as sacred. For Rorty’s purposes, the problem in public discourse is that not everyone shares the same starting point. Once the commonality of a belief being sacred arises, one is left with the same lack of shared premises in non-religious beliefs that Rorty finds in religious beliefs. This being the case, Rorty’s suggestion of dropping any premises that are not shared by all would have the same strangling effect on discourse as prohibiting all blasphemous speech. In fact, in an odd twist of thought, Rorty’s possible solution resembles the same kind of censorship utilized by those who wish to prohibit blasphemous phrases against religion.

Assuming one resides in a country in which free speech enjoys primacy over possibly offensive speech, the first solution might be the most probable solution. Though supposedly sacred beliefs on both sides of a public debate may be blasphemed, the solution, at least, allows discourse to run its full course rather than being stifled under narrow boundaries. This solution, however, is not without its own problems. Whether various social forces or power held by one group over another may stop a solution from ever getting off the ground is one obvious problem. Another problem is how to balance potential offensiveness held by a certain assertion compared with the

value or cherished belief of another's. Further, one may consider how communal standards might affect whether this is even an issue, and what an in-depth psychological inquiry into the distinction between a religious believer's sacred beliefs may differ from a non-religious believer's beliefs. Although these questions pose interesting and possibly problematic points concerning blasphemy, the point of this paper was only to show how the concept of blasphemy can extend to the beliefs of atheists or secularists, what the consequences of that extension are, and what some possible solutions might look like when implemented.

Another problem with my position might be that I am not drawing fine enough distinctions between the various kinds of speech. Public discourse, in this instance, is mainly referring to conversations and debates that take place in academic or political arenas. Debates over the appropriateness of certain philosophical and public policy arguments are two examples of this. I have purposely not dealt with other kinds of speech, such as sarcastic humor or private assertions, because they seem (like physical acts of blasphemy) to play by a different set of rules.

One may also take issue with the way I have been handling the concepts of belief and blasphemy. One counter-argument to my position may be to say that I have conflated one's belief in  $x$  with  $x$  itself. This is to argue that there seems to be a significant distinction between one's belief in  $x$  and  $x$  in and of itself. This, I think, is wrong. While it may well be true that I have conflated one's belief in  $x$  with  $x$  itself, there seems to exist no problem with this conflation. It seems as if one cannot talk of *blaspheming*  $x$  without someone believing  $x$  to be sacred. Beliefs *qua* written documents or statues take no offense to ridicule or critique. *Such concerns only arise when someone believes  $x$  to be sacred.* This being the case, it would seem that an individual believing  $x$  to be sacred is a necessary condition for the blaspheming of  $x$  even to occur at all. One may continue to insist upon the distinction between one's belief in  $x$  as sacred and  $x$  being sacred itself, but it is not clear what work this distinction is supposed to do. Granted, one may offer blasphemies against a certain sacred object, but such speech could not be construed as blasphemous, or even as speech against something *sacred*, unless another holds the belief that it is sacred.<sup>12</sup>

So what difference, in practice, does this kind of conceptual analysis contribute when considering one's everyday experience? To take extreme liberty with William James's famous phrase, where is the difference in this conception of blasphemy that *makes* a difference in our lives?<sup>13</sup> It seems that the easiest way to find more than intellectual value in this argument is to consider it on a small scale. One may understand the consequences of my position as a simple warning about the problems anyone would face in attempting to censor a given kind of speech because of supposed privilege allowed to a specific group's set of beliefs. The point of this paper is only to show another example of how destructive censorship could become if one is given enough ammunition to hammer the boundaries of public discourse into quiet, narrow submission.

## Notes

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<sup>1</sup> This example may not be as completely absurd as it seems. See David Chidester's "The Church of Baseball, the Fetish of Coco-Cola, and the Potlatch of Rock 'N' Roll: Theoretical Models for the Study of Religion in American Popular Culture," in *Religion and American Culture*, David G. Hackett, ed. (New York: Routledge, 2003) for an example of the similarities between religion and sports.

<sup>2</sup> Ferdinand Canning Scott Schiller, *Riddles of the Sphinx* (New York: Green Wood, 1968), 4.

<sup>3</sup> Dictionary.com, "4<sup>th</sup> Entry under Blasphemy" <http://dictionary.reference.com/browse/Blasphemy> (accessed 1 Jan. 2007).

<sup>4</sup> Leonard Levy, *Treason against God* (New York: Schocken Books, 1981), xi.

<sup>5</sup> Dictionary.com, "1<sup>st</sup> Entry under Blasphemy" <http://dictionary.reference.com/browse/Blasphemy> (accessed 1 Jan.2007).

<sup>6</sup> See Leonard Levy's aptly titled *Treason against God* (New York: Schocken Books, 1981) or his *Blasphemy: Verbal Offense against the Sacred* (New York: Knopf, 1993) and Marjorie Heins' *Sex, Sin and Blasphemy* (New York: New P, 1993) as examples of this.

<sup>7</sup> Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination* (Minneapolis: Fortress, 1995), 7.

<sup>8</sup> Ricoeur, *Figuring the Sacred*, 37.

<sup>9</sup> Richard Rorty, *Philosophy and Social Hope* (London: Penguin, 1999), 173.

<sup>10</sup> Rorty, *Philosophy and Social Hope*, 171.

<sup>11</sup> Rorty, *Philosophy and Social Hope*, 168.

<sup>12</sup> This objection was raised during a second presentation of this paper to the Philosophy Graduate Student Organization at the University of South Florida in April 2008. I would like to thank both Mike Thompson and William Koch for their helpful observations and objections on this point.

<sup>13</sup> William James, *Pragmatism* (Cambridge: Harvard UP, 1998), 30.

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**John Hacker-Wright, *University of Guelph***  
**Blasphemy and Virtue Ethics**

In this paper I argue for a secular conception of blasphemy as a grave moral wrong. I argue for this conception on the basis of a neo-Aristotelian conception of virtue ethics. Specifically, I argue that there is a virtue of intellectual fidelity to matters of great importance: morally permissible ends. In order to structure our lives around such ends, which is essential to living a characteristic human life, we must consistently bear in mind what we know to be true about our ends and not succumb to a temptation to belittle our ends when we struggle in our attempts to realize them. Conversely, a disposition to believe falsehoods about morally permissible ends is a vice, and acts that express that character trait are blasphemous and wrong. Likewise, I argue that it is wrong to belittle or promote falsehoods about the morally permissible ends of others, for we must recognize that in pursuing morally permissible ends of various sorts, people are realizing their humanity in worthwhile ways.

## **Blasphemy and Virtue Ethics**

*John Hacker-Wright, University of Guelph*

### **Introduction**

In this paper I intend to argue for the moral gravity of blasphemy from the perspective of virtue ethics. I do not intend to provide any argument for virtue ethics itself.

‘Blasphemy’, as I understand it, applies to actions and derivatively to the utterances, writings, visual depictions, and other works that are the product of blasphemous actions. I will argue that blasphemy is wrong because it is the action of a vicious agent. Someone who blasphemes exhibits a certain vice. Specifically, blasphemous actions are characteristic of vicious agents’ responses to matters of great importance, our highest ends. Someone blasphemes when they treat ends and matters related to our ends as trivial, which often occurs by attributing demeaning falsehoods to them. I follow Thomas Aquinas in naming the vice that disposes an agent to blaspheme ‘infidelity’ or ‘disbelief’.

In my view, following Aquinas, infidelity is an intellectual vice that disposes us to believe falsehoods about ends. My view, however, differs considerably from Aquinas’s. Most significantly, I depart from Aquinas in that my analysis of infidelity is not predicated on the truth of Christianity. Also, the virtue corresponding to the vice of infidelity, faith or fidelity, is not for me a theological virtue. On my view, the intellectual fidelity required to avoid blasphemy does not exhibit the characteristics of a theological virtue. That is, fidelity does not require us to transcend our human nature, and so does not require grace, and it is not oriented toward bringing about the beatific vision of God.

Although not a theological virtue, intellectual fidelity is distinct from the moral virtues. As I shall use the term, ‘fidelity’ requires that a person be intellectually true to what is properly cared about, a morally permissible end. Unlike the moral virtues, fidelity does not directly dispose us to morally good actions. Instead, intellectual fidelity to our ends enables us to ‘have a life’. By ‘having a life’ I mean having a coherent structured story about the actions and happenings that compose an account of one’s life. Taking up an end or ends that are capable of structuring a course of action through time is essential to having a plan, and having a plan is crucial to making sense of one’s life, both prospectively and retrospectively. One cannot believe whatever one wishes about matters pertaining to ends and still be said to have an end. Thus, intellectual fidelity is essential to making sense of one’s life. To have reflective awareness of one’s life is essential to being human. So,



making sense of one's life is crucial to living a characteristically human life. The virtues enable us to live a characteristically human life. Thus, intellectual fidelity is a virtue, and it is distinct from the moral virtues, since it is not directly involved in disposing us to morally good actions.

Moreover, articulating falsehoods about ends to each other has a similar effect on others, undermining their ability to hold on to true beliefs about their ends. So, we must refrain from articulating falsehoods about the ends of others. Still, it is crucial that our ends are compatible with exercising the moral virtues, because the general observance of morality is essential to our having any ends at all. Intellectual fidelity requires us only to be concerned with truth regarding morally permissible ends. So, intellectual fidelity is a virtue that disposes us to truth in matters concerning morally permissible ends.

Intellectual fidelity is a cognitive virtue in that it disposes us to the truth, but it is also distinct from other cognitive virtues in that its importance lies not exclusively in its epistemic role; that is, it does not just function to get us at the truth. Although it involves a disposition to the truth, its role in human life is distinctive in that it enables us to have ends. Thus, I want to create a distinct category for intellectual fidelity and one other virtue that I will discuss later. It is what I will call an orienting virtue, because it enables us to be directed toward ends.

With this conception of intellectual fidelity in hand, I can return to blasphemy. To preview my argument, blasphemous actions are wrong because they are characteristic of an agent who lacks fidelity; that is, blasphemous actions are typical of an agent with a disposition that undermines our having morally permissible ends. Blasphemous actions attribute demeaning and trivializing falsehoods about something one reasonably takes to be of great importance because it is a morally permissible end or it is closely connected with one. Note two features of this conception. First, it need not involve demeaning a divine being. Trivializing the tragedy of the attacks of September 11, 2001, would count on my view, as blasphemy, and is characteristic of an infidel. On my view, that is because recognizing the importance of human lives is a crucial component of all morally permissible ends, and so all virtuous people will recognize this event as a tragedy that deserves sanctimonious remembrance. The wrong done is worse than mere disrespect, because someone disposed to make such claims has a false vision of the value of a human life that evinces a disposition undermining to the ability to have a morally permissible end. Second, many works that have been considered blasphemous on more distinctly religious conceptions of blasphemy would still count as blasphemous under this conception. Derogating Mohammed by depicting him as a violent warlord, for instance, would be attributing something false that demeans a morally permissible end, the pursuit of a good Muslim life, which depends on upholding the moral character of Mohammed. Even for a non-Muslim, creating such a work is blasphemous and not merely, as some would have

it, disrespectful. 'Trivializing others' ends through falsehoods is still blasphemy, since it is an outgrowth of a disposition to undermine others' true beliefs about morally permissible ends.

I will continue to set out my conception of blasphemy as follows. First, in order to set out points of continuity and contrast, I will set out Aquinas's view of blasphemy. I call this 'the classical view' of blasphemy. I will then proceed to detail out my own conception over against the classical view.

### **The Classical View**

I hope to accomplish two tasks by reviewing Aquinas's view of blasphemy. First, I hope to bring out more fully why I am urging the continued use of the notion of infidelity in describing blasphemy. Second, I hope to disentangle my notion of infidelity precisely from Aquinas's notion.

To understand Aquinas on blasphemy, it is essential to grasp his conceptions of faith and infidelity. Faith, for Aquinas, is a cognitive virtue. All cognitive virtues, for Aquinas, relate to the truth (2a2ae 1, 3).<sup>1</sup> That is, they are deemed virtues precisely in that they lead us to the truth. Fidelity as a cognitive virtue is specified by its object, which is the first truth, God (1, 1). Faith generates knowledge, but it is unlike science in two ways. First, faith is concerned exclusively with God, whereas science is concerned with God as well as with creatures. Also, unlike science, faith involves the will. Assent to the conclusions of a scientific syllogism involves no choice; as the conclusion follows from the premises with necessity, so too does our assent to the conclusion. To have faith, by contrast, involves deciding to believe that which is presented for belief by miracles, evangelists, or scripture (1, 4 and 6, 1).

Faith is coupled with charity in that it is not a virtue without charity (4, 5). That is because faith is a readiness in the mind to assent to the will in the matter of belief in God and believing God's promises. Charity is the disposition of the will to love God. The readiness of the mind to believe comes to nothing without the will being disposed to love God; Aquinas terms such an empty faith 'formless faith' and thinks it is what is described in James 2:20: "faith without works is dead." One who has formless faith believes that God exists, but does not act through the consequences of this belief and therefore does not in the fullest sense grasp the truth. Because what is known through faith is not known in the same way as what is known through science – that is, it is not known through a conclusive demonstration – Aquinas believes that what is known through faith is obscure. Yet the will, when it has charity, makes up for this obscurity in firm adherence to the object of faith; because of charity, faith is in a sense no less certain for Aquinas than scientific knowledge that stems from certitude regarding the premises of a valid syllogism. One who loves God will not waver from that belief because of charity. Yet charity cannot operate without faith,

because the will must have an end in view, which is presented to it by the intellect (4, 7). Whereas the will has an essential conceptual dependence on the intellect to furnish it with an end, the intellect does not depend on the will in this way. That is, although the intellect would not believe in God with certitude in the absence of charity, it could still grasp God, and so does not have the same dependence on the will. So, although faith is not fulfilled without charity, it is conceivable independently from the will. Thus, for Aquinas, faith has primacy over charity, and the intellect primacy over the will.

For Aquinas, disbelief or infidelity can arise in two ways, one of which is not blameworthy. Anyone who has not heard the call cannot be held accountable for failing to respond. Disbelief as a vice is the willed disposition not to believe. In the case of vicious disbelief, the truth is presented to the intellect, but the will turns the mind away from the truth (10, 3). For Aquinas, the most fundamental disposition behind such a refusal to believe is, of course, pride. Among the seven deadly sins, pride is, as Sirach 10:15 has it, the origin of all sin, for it is the intention to excel above God. Since this attempt implies at least one false belief about the nature and value of creatures, it leads to inordinate desires for temporal goods, namely, those goods whereby I would excel above God (1a2ae 84, 2). Pride leads to contempt for God, whose greatness one wishes impossibly to surpass.

Now, blasphemy is associated with disbelief in that it consists of deliberately holding a false belief about God. The will and the intellect work together perversely in generating blasphemy. The will of the infidel who blasphemes is pridefully contemptuous of God. The infidel, because of this contempt, rejects the truth and embraces falsehoods about God. Even inwardly holding falsehoods about God is sufficient for blasphemy on Aquinas's view (13, 1). Inwardly and intentionally forming a false proposition about God reveals a disbelieving disposition; it starts one out on a course that, if continued, will render one utterly insensitive to the truth, and thus, irretrievably separated from God. Blasphemy is therefore a major sin for Aquinas because it undermines an individual's movement toward his chief end, the beatific vision. Of course, blasphemous thoughts that are published in any manner, whether through speech, writing, or artworks also perpetrate harm against others, on the assumption that the beatific vision is indeed their chief end and that their faith may be undermined in however small a way by the lies of the blasphemer.

In sum, for Aquinas, blasphemy is wrong because it is disorienting, both to the person who articulates it (whether inwardly or outwardly) and potentially to others who come into contact with the blasphemy. The disorientation works like this: I start with a true apprehension of God, including his ultimate value, but I begin to want things, temporal goods such as money. If I sinfully give in to such desires, I gradually want to become the richest and perhaps the most famous; these ideals affect my beliefs about what is good in life. My choices have affected my intellect by giving

me a false view of what is good. I am now disoriented. Gradually, I am won over by an ideal that involves wanting to be the best, but in my own manner as a creature; that is, I cannot, as a creature, be the greatest in the way that God is, but I can be the greatest creature, and I want that way of being the greatest to be the greatest, period. The will enters here to sway the intellect to disbelief. I want to believe, and choose to believe that God either does not exist or is not good in the way that he is presented in the scriptures. I make him out to be susceptible to the flaws of creatures. I will no doubt want others to share my false view of God, which I may eventually come to believe, in order that they might at least come to share my inflated vision of myself. I have come to base my life on a false vision of what is good. My will and my beliefs are oriented toward a hollow, illusory, and indeed, an impossible goal, and I strive to bring others to share these views and desires in order to shore up my own moral mirage. I have, in this case, made of my life a worthless sham, through rejecting a genuine end, and, worse yet, I may not even realize it.

### **A Contemporary Analysis**

Now, it might seem that in throwing out Aquinas's most basic assumptions, especially the truth of Catholic Christianity, one must throw out his accounts of faith, infidelity, and blasphemy. Of course, there is much that must go. Yet there is enough that can be retained to justify, I think, retaining a conception of fidelity as a virtue.

The most obvious problem with Aquinas's account is that it is no longer evident that the purpose of human beings is the beatific vision of God. It is a well-documented predicament that we inhabitants of modernity have lost a sense of purpose; we have no obvious end. Many moderns believe that reason cannot point to a single end that we must rationally strive to attain. There is also not a single end that is prescribed by morality; still, having some end compatible with morality is necessary for all persons in order to have a characteristic human life. Morality can be applied to the evaluation of an end, and is thus independent from our ends. An end is something we choose to care about and that thereby becomes important to us.<sup>2</sup> With Harry Frankfurt, and against Aquinas, I hold that no end is intrinsically important.<sup>3</sup> Ends take on importance through our willed investment in them. Frankfurt calls this investment love and Aquinas calls it charity (at least, when it is our investment in God, the contemplation of whom he believes to be our only true end). Frankfurt, to my knowledge, does not deem love to be a virtue; it is simply for him an unavoidable fact of human life that we care about some things. Yet our chosen ends will have various moral, aesthetic, and social consequences; what ends we select will have dramatic consequences on the overall shape of our lives, including the dimensions and stability of our communities. We can choose ends that do not require us to care about those consequences, but then we sacrifice rationality, morality, and we lead,

I would argue, a deformed life. Love of self or one's country to the point of discounting others is possible, but clearly not admirable. Thus, I will speak of 'appropriate love' as a virtue, and it is another of what I have termed orienting virtues. Virtuous agents will not choose some ends, and in choosing some ends, virtuous agents pursue them only with certain intensity.

What ends will a virtuous person select, then? As Frankfurt points out, some ends are simply unintelligible; we would not understand someone who loved death, disability, or isolation, though there is nothing conceptually impossible about taking those as ends. To serve as the basis of diachronically organizing one's life, ends must as well be something other than one's own momentary enjoyment. Otherwise put, ends must then feature sufficient 'depth' to serve as a basis of structuring one's life. Also, as Bernard Williams has pointed out, happiness in general probably cannot serve as an end, because it is too abstract.<sup>4</sup> One aims at happiness only via more specific ends. Further, if Bernard Williams is right, the utilitarian ideal of maximizing the happiness of all cannot serve as an end, because pursuing this ideal would not allow us to have any projects that would endure over time.<sup>5</sup> We would instead be constantly shifting to whatever action at any given time would maximize happiness, and this persistent shifting would be incompatible with the psychological imperative to invest ourselves in something over time.

To serve as an end for a virtuous person, a goal must be what Philippa Foot calls "a possible object of deep happiness."<sup>6</sup> About these Foot points out: "it does not make sense, without a very special background, to suggest that someone found deep happiness in, say, a running victory in a dispute with a neighbor over a morning newspaper or a milk bottle... Whereas deep happiness and joy over the birth of a child? That is a different matter!"<sup>7</sup> In other words, there are some goals that are viable as ends and others that simply are not. Some possible ends are rather mundane, such as family, work, and friendship; others are more exotic, such as exploration, the pursuit of truth, or artistic creativity. Religion no doubt also provides deep ends; the imitation of Jesus or the Eightfold Path of Buddhism seems to feature the requisite depth.

Now let me return to what I earlier called the orienting virtues. Fidelity follows from appropriate love, on my understanding of the orienting virtues. On my view, a concern to appreciate the nature of our ends follows from our love of them, but our love does not generally follow from understanding. Love, as Frankfurt points out, is very often unreasoned. We love our children simply because they are ours, not because of their qualities or achievements and often in spite of them. In this case, love should motivate understanding of our children, so that our actions toward them will be appropriate.<sup>8</sup> Similarly with ends: we choose ends, which thereby become important to us, and that importance motivates our attempt better to appreciate our ends or whatever is essentially involved in them and to plan our lives around them. This is fidelity. Fidelity,

as I am using it, following Aquinas, is a disposition of the mind to respond to our investment of care in an end with the intellectual discernment necessary to form true beliefs.

One might wonder whether there really is a problem with believing falsehoods about ends. Why, one might ask, is there a particular difficulty here? Aquinas thought that people are especially prone willfully to hold and promote the acceptance of false beliefs about matters of supreme importance, and to do so is to do something seriously wrong. Yet, Aquinas's belief here was grounded in the doctrine of original sin. We want to hold and promote false beliefs because we are prideful creatures. I think Aquinas has something to teach us here, even if we dismiss his notions of original sin and our final ends. It is precisely because we care about our ends that we may have a tendency to belittle them. Because anything 'deep' enough, in the sense described above, to qualify as an end is going to be difficult to achieve, we readily despair of achieving them, and we are thereby tempted to infidelity, that is, to belittle ends via falsehoods.

Now, I want to emphasize that, although I am taking a voluntarist model of love, following Frankfurt, it does not follow that 'anything goes'. We are required to have some end or ends, and our ends must be compatible with exercising the moral virtues. There are also beliefs that follow from any end that is compatible with exercising the moral virtues. Intellectual fidelity therefore requires us to have certain beliefs. For example, we must hold persons to have intrinsic value. Anscombe speaks of the 'mystical value' of persons, because she recognizes that the value of persons does not have a fully reasoned basis.<sup>9</sup> On my view, we are morally required, through benevolence, to invest ourselves in at least some ends that involve recognizing the value of persons. While we need not have ends that involve promoting the good of humanity, we must avoid projects that essentially involve, for example, manipulation, deceit, subjugation or that require us to view others as mere instruments to our ends. Intellectual fidelity disposes us to recognize that truth steadfastly.

Here is an example that ties back to blasphemy: to say something that minimizes the significance of another's death is blasphemous for anyone. We expect everyone to care about strangers even to the extent of not trivializing their deaths. The value of the person is parallel to what Aquinas called an 'article of faith'; it is a belief that is a component of any morally permissible end. Note that it is reasonable to be horrified by someone trivializing another's death even if the person whose death is trivialized is someone unknown to us. No harm need be done to us or to anyone else to see this act as wrong. It is simply characteristic of a vicious agent who has a light-minded view of life. For the same reason, Ward Churchill's claim that the occupants of the World Trade Center on September 11, 2001, were "little Eichmanns" was blasphemous. It is a falsehood that is evidently intended to efface the tragedy of that event by supporting the idea that justice was somehow meted out through the terrorist act.

Cases involving religious differences seem to raise much greater difficulties. It might seem on my view that an atheist would not be required not to blaspheme against God, however conceived. For an atheist, God is unimportant and he is not obviously required to care about God; therefore, it might seem, the virtue of appropriate love does not require him to care about God, and he is not unfaithful to his ends through taking up and promoting whatever beliefs about God he wishes. Yet I think that fidelity does require an atheist not to defame God. An atheist may justifiably think that the believer is making a massive intellectual blunder through saddling himself with an unsupportable belief and even committing himself to mistaken moral judgments via his commitment to God, and yet still have an obligation not to belittle God. That is because of the way that, for the believer, the belief in God is knit together with ends that are required by appropriate love. A believer might not want to put it this way, but it does not matter. From an external view superficial knowledge of what most believers care about via their belief in God suffices to make clear that belittling God would be tantamount to blasphemy, since it would entail belittling ends that are shared by anyone who has appropriate love and fidelity. As I see it, the belief in God may take up optional extras, such as belief in supernatural entities and the sanctity of all human life, which the atheist may rightly see as making some intellectual and moral mistakes. Yet it is a component of most believers' ends that they take as important the promoting of family, community, and worthwhile endeavors that make a contribution to those around them, whether believers or not. In fact, it seems that in large part 'God' serves as a symbol of such commitments, often to the extent that believers take the absence of adherence to such symbol in the atheist as an absence of appropriate love and fidelity. But of course that is a mistake as well. Everything I have said applies also, *mutatis mutandis*, to the behavior of adherents of different religions toward each other.

Another potential objection could be that I have made too much of blasphemy, because everything that I have said about blasphemy could be covered under disrespect and ridicule, which are ordinary moral problems. Yet I hold there are important moral differences between disrespect and ridicule, on the one hand, and blasphemy on the other. Insults against my person might minimize my abilities or accomplishments or even attack my moral character. These attacks evince disrespect, and they are vicious. Yet, it is much graver, I think, to attack my ends, to dismiss the point of my life as worthless or trivial. Further, insofar as morality requires that there be a significant shared component to our ends, it is nearly impossible to be faithful to my own ends while blaspheming. I may not take Mohammed as a symbol of my own ultimate concern, to use Tillich's language, but it should be evident to me that in trivializing Mohammed I am dismissing the efforts of a huge number of people to live serious lives committed to their families and communities, and this is wrong. Virtuous agents will value these efforts. I am suggesting that blaspheming creates a

disposition to be insensitive to the truths that are essential to living with a commitment to a morally permissible end. Blasphemy is therefore distinct from and graver than disrespect.

### Conclusion

I have argued that blasphemy is a distinct, grave wrong that is characteristic of a vicious agent. The blasphemer exhibits the trait of intellectual infidelity to morally permissible ends. Intellectual fidelity and appropriate love are crucial virtues that I have labeled orienting virtues, since they enable us to take up ends. Someone who blasphemes shows himself to be lacking in at least one of these orienting virtues.

### Notes

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<sup>1</sup> All citations will be from 2a2ae of the *Summa Theologiae* unless otherwise noted. I have consulted the Blackfriars edition of the *Summa Theologiae* (New York: McGraw Hill, 1967).

<sup>2</sup> I am taking my inspiration from Harry Frankfurt's essay "The Importance of What We Care About" in *The Importance of What We Care About: Philosophical Essays* (Cambridge: Cambridge UP, 1988).

<sup>3</sup> Harry Frankfurt, *Taking Ourselves Seriously and Getting It Right* (Stanford: Stanford UP, 2006) 33.

<sup>4</sup> J.J.C. Smart and Bernard Williams, "A Critique of Utilitarianism" in *Utilitarianism: For and Against* (Cambridge: Cambridge UP, 1973) 112.

<sup>5</sup> Smart and Williams, "A Critique of Utilitarianism," 115ff.

<sup>6</sup> Philippa Foot, *Natural Goodness* (Oxford: Oxford UP, 2003) 88.

<sup>7</sup> Foot, *Natural Goodness*, 88.

<sup>8</sup> Seyla Benhabib, "The Generalized and Concrete Other" in *Situating the Self* (New York: Routledge, 1992).

<sup>9</sup> G.E.M. Anscombe, "Contraception and Chastity," *The Human World* 7 (1972): 25.



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**David L. McNaron, *Nova Southeastern University***  
**Meeting Objections to the Danish Cartoons of Muhammed**

I assume a presumption in favor of free speech in liberal societies and attempt to refute possible objections against publishing the Danish cartoons of Muhammed that appeal to (1) offense, (2) insult, (3) harm, (4) the speech act wrong of subordination, (5) the illusory nature of “free speech,” and (6) legal inconsistencies that favor Christianity. The notions of offense and insult are unclear. Moreover, the offended and insulted play a role in constituting these acts. Legitimate restrictions on harmful acts are limited to behavior that poses a clear and present danger; such cases can be handled without violating viewpoint-neutrality, to which liberalism is committed. Altman’s notion of a speech act wrong of subordination makes unwarranted assumptions about speakers’ intent and offers no rational way to discern intent or gauge the expression’s emotive force. Policies for prohibiting speech based on content are inherently vague and overly broad; their underlying justifying reasons overreach. Fish’s arguments for showing that the notion of free speech is confused are inconsistent; they also move fallaciously from well-defined exceptions to free speech to sweeping conclusions that make speech negotiable. Legal inconsistencies can be removed simply by repealing laws that show partiality toward a certain religion. The Danish cartoons expressed justified outrage over Muslim abuses of individual rights in liberal countries, and did so in a peaceful manner. The cognitive content of the cartoons is inseparable from the cartoons’ satirical mode of expression. Muslims’ complaints over expression critical of Islam amount to special pleading that is rooted in bad faith. Publishing the cartoons was a virtuous act that protected the tolerant, liberal ethical environment of Denmark.

## **Meeting Objections to the Danish Cartoons of Muhammed<sup>1</sup>**

**David L. McNaron**, *Nova Southeastern University*

Liberalism should provide the devout with a reason for tolerance.

Thomas Nagel<sup>2</sup>

It is impossible to live in peace with people whom one believes are damned.

Jean-Jacques Rousseau<sup>3</sup>

If there is one star in our Constitutional constellation...it is that no doctrine shall be considered orthodox or correct in politics....

California Supreme Court<sup>4</sup>

...religion must observe the principles of democracy, not the other way around. No religion can be permitted to legislate what can or cannot be drawn, any more than it can legislate what may or may not be eaten.

Ronald Dworkin<sup>5</sup>

### **Introduction**

In this essay, I will attempt to refute objections, real and imagined, to the publication of the Danish cartoons of Muhammed. I hope to show that the cartoons fall squarely within the limits of allowable speech. Since the particulars of the objections concern me most, I will imbed theoretical points within the discussion of these. However, I intend to stray very widely beyond the cartoons into free speech issues. I will assume that a strong presumption in favor of freedom of expression should exist in liberal democratic countries. Although the main question is whether the cartoons fell within the boundaries of tolerable speech, I will also consider, in reference to certain objections, whether publishing the cartoons was morally wrong, since one can wrongly exercise one's rights. Showing that something is wrong has bite, both for private conscience and in the court of public

opinion. One who objects to speech need not face the choice between urging prohibition or remaining altogether silent about it.

The Danish cartoons raise no new philosophical issues, but this fact should not deter philosophers from writing about such cases. The issue is a variation on a theme: the limits of free speech. The cartoons join the list of controversial expressions that includes flag burning, cross burning, neo-Nazi marches, pornography, racist speech, protests in time of war, profane tee shirts and bumper stickers, etc., that test the policy of allowing all speech without reference to content. Objections familiar to philosophers (and lawyers) must be repeated time and again, if for no other reason than the sheer public importance of the issues—and the freedoms at stake. Such is the case with arguments for censorship based on offense. Though some of the arguments are weak, they are the ones that move people and they must be answered forcefully. Although newer and more sophisticated objections to speech have received much attention from scholars (and courts), there is still much more to be said about them. Defenses of speech must be tested against challenging situations in a changing climate of opinion.

Today western countries face a profound problem in the form of large immigrant populations, some of whom devoutly follow creeds fundamentally at odds with basic principles of liberal democracy. The questions whether these persons can coexist with others in pluralistic societies and what allowances, if any, should be made to their demands to restrict speech, are burning ones. The case of the Danish cartoons is a lightning rod to focus discussion on such large questions.

### **Offense**

One objection to the cartoons states that they should not have been published because they offended Muslims. Offending others is wrong. Respect for others, and perhaps civility and courtesy, require that we not give offense when we can reasonably predict it will result. Obviously, no adequate liberty-limiting principle can be based on offense. Part of the meaning of a right to free speech is that one be allowed to speak in ways that offend others. Virtually everything offends someone. Some people are offended by hearing religious claims questioned; others by the flood of religious propaganda that issues from the pulpit, television, and radio every day. But neither group has a right to have the speech they oppose banned in a free society.

While one could agree that we should often observe the admonition not to offend, the genuine moral rule seems to be rather different; namely, that one should not offend others or hurt their feelings unnecessarily, without good reason. The injunction not to give offense must often yield to stronger concerns such as seeking truth, stating moral objections, or simply speaking one's

mind. Moreover, the relevant question is usually whether a remark or an accusation is *true*, not whether it offends per se: saying it is wrong because it is offensive puts the cart before the horse. Objecting to speech that offends independent of its truth is a tough sell. Truth, after all, is and ought to be a defense against libel. (I will not, for the most part, discuss nonverbal gestures that give offense, such as a Muslim man's refusal to shake hands with a woman in her own non-Muslim country.)

Let us consider some possible counterexamples. What about the ubiquitous advertisements that depict women as confined to domestic roles as household engineers and product-conscious consumers? Aren't these wrong because they are offensive to women? The wrongness would seem to reside in portraying women as having a lesser moral stature. In other words, if the image is offensive, it is offensive because it is immoral (i.e., it contains a moral falsehood), not the other way around. The wrongness of the ads, however, would make an insufficient case for censorship, as not all wrongful acts should be prohibited (e.g., lying, promise-breaking, revealing dark secrets of a friend, and cheating at games).

Consider the example of a billboard situated above a busy freeway that depicts a sex act. Is it too extreme to insist that everyone must endure seeing this offensive image for the sake of freedom of expression? If not, then why can we not make allowances for cartoons that cause religious offense? This example goes toward the usual restrictions on time, place, and manner of utterance, not on the content of speech. The main problem is that people are captive audiences to seeing it on public roadways. Furthermore, the sign exposes children, without warning or parental permission, to the image.<sup>6</sup> It is a public nuisance, much like solicitation of prostitution<sup>7</sup>, which, as H. L. A. Hart pointed out, can be banned without criminalizing prostitution itself on moral grounds.

Another example involves making disparaging remarks about, say, a disabled person. Such wrongful remarks are gratuitous. Even so, it is no violation of the person's rights and not a fitting candidate for illegality. Again, "X is offensive" does not imply "X ought to be illegal" without the addition of a premise that makes offense a sufficient condition for restricting speech. Such a principle would have a chilling effect on speech and place great, perhaps tyrannical power in the hands of the majority or those whose standards of offensiveness prevail. As John Stuart Mill saw, mere offense cannot serve to restrain liberty. Someone may be offended by professions of atheism, or the very thought—let alone the sight of—people performing certain sex acts. Appealing to offense has become something of a mantra in our society. The cry of "We are offended" together with the demand for an apology has become standard rhetorical fare, even for those accused of wrongdoing. The reason is not hard to find: the charge shifts blame onto the accuser.<sup>8</sup>

Offense does not trump free speech. David Richards (who argues for replacing Mill's harm principle with the deontic sovereignty principle) puts the point thus:

The principle of free speech, properly understood, discriminates among kinds of interests that may enjoy weight in the balance of political argument about free speech, and disentitles certain putative interests to any weight whatsoever. These include offense taken *at the exercise of the right to conscience itself*.<sup>9</sup>

In the case of *Cohen v. California*, a man was arrested in the L.A. County Courthouse during the Vietnam War for wearing a jacket emblazoned with the words “Fuck the draft.” The Court dismissed all the arguments based on categories of unprotected speech. These include, first, obscenity: the Selective Service is not the kind of thing with which one could have intercourse; second, fighting words: no one was personally assailed; and third, clear and present danger: Cohen did not incite others to violent action, nor did he breach the peace. Others could simply avert their gaze to avoid seeing the words. What he did was to offend someone (an overzealous police officer). The Court further reasoned that had Cohen used less offensive language he would not have expressed the same thought. Suppose the jacket’s message was this: “The Selective Service is an abomination and ought to be abolished.” The manner of expression, its emotive force, was necessary to express Cohen’s vehement dissent against the war. Viewpoint cannot be restricted under the First Amendment regardless of the offense caused to others; offense is the price we pay for the greater good of liberty. The emotive force of the Danish cartoons, pictorially presented, may have been necessary to express exactly the alarm and condemnation that the cartoonists felt. The principle that the state should refrain from restricting speech based on content is a plausible one for any country—not only the United States—that endorses state neutrality and wishes fully to protect freedom of expression.

But what *is* offense? I have been pretending all along that we know. I do not mean “offense” used as a noun, as when we speak of a criminal offense, or metaphorically of an offense against justice. I mean *being offended* by someone’s speech or behavior. Offense is not the same as anger, resentment, embarrassment, or emotional hurt, all of which are not only readily identifiable emotions but also reasonable responses to a variety of situations. If we were to define “offense” in terms of these other emotions, wherein would lie the special nature of offense? A subsidiary question is this: are these emotions causally produced or voluntarily chosen attitudes? Jean-Paul Sartre, famously, thinks the latter.<sup>10</sup> We choose our emotions, he says, as ways of projecting ourselves and attempting magically to transform the world. We pretend to feel engulfed by emotions; this is a way of avoiding responsibility. But that seems problematic. I am *made* to feel grief over someone’s death; I am repulsed by the sight of filth; I am embarrassed if I have falsely accused someone. Is a person similarly caused to be offended?

Offense is not so easy to pin down, or to justify. As a start, offense, whatever it might be, seems to implicate sensibility rather than sense. That is, one is not offended by a sensory assault such as a loud noise or noxious odor. If I see a violet painted house, I am repelled by it but not offended. One is disturbed, annoyed, even angered by loud or obnoxious people, but not offended. Offense seems to involve an emotional response to an affront to one's sensibilities. What things are said to offend people? Nudity, sex, attacks on one's religion or politics, racial or ethnic slights, all come to mind. Is claiming to take offense a reasonable response to any of these? If religion is false, or free speech is a reasonable liberty, or sex is not wrong, then "offense" taken over these things is irrational. As for racial or ethnic remarks, are they true or are they false, intelligent or stupid? If they are true, then why take offense? If they are false, why is it not sufficient to refrain from assenting to these claims, expose them as errors, or simply ignore them? An array of emotional responses is available as well, ranging from anger, indignation, sadness and dismay, to finding the comments humorous in some perverse way. Where does the *offense* part come in? This much seems evident: when people claim to be offended, their sensibilities are rankled. But one is in control of this, however one may pretend otherwise (Sartre's point may apply here). Couldn't one change one's sensibilities rather than attempt to make over the world and cleanse speech, to guard against being offended? This could represent a step toward self-perfection or purification. The shield against offense could be inner rather than outer. That would certainly be less obtrusive to others' freedom. Why have such sensitive sensibilities?

If offense is rooted in irrationality, if it consists in being emotionally stirred over having one's sensibilities shocked or one's views contradicted, then offense is a vice. Some emotions, Aristotle notes, do not admit of a legitimate mean; they are, as their names suggest, bad in themselves (envy, for example). Begrudging a person his good fortune, wishing that it were one's own instead, is bad, in whatever degree it is felt. It seems that one has to wear one's emotions on one's sleeves in order to be offended. One has to be naïve and presumptuous to have a stake in not hearing one's views assailed. One has to be all puffed up in order to be susceptible to offense. If this is true, offense is not an emotion in good standing. Instead, it is a form of posturing that employs a stock, knee-jerk response. The offense-response was borne of what was once a reasonable campaign for linguistic reform to replace racist and sexist terms that has become part and parcel of the immoderate ideology of political correctness. "Offense" has become ensnared by ideology.

But maybe I have gone too far. What about offensive behavior—for example, being rude and drunk at a cocktail party—or offensive language—for example, using vulgar words in public? Can we never speak truly of such things? I recall what it is like to be offended. I was in Germany with a bilingual Canadian friend who summers there and we went to an outdoor restaurant with one

of his German friends. The waiter, who had asked where we were from, remarked that Germans like to say Americans speak as if they had marbles in their mouths. I felt rather hurt by the remark—offended, perhaps? It was less than feeling incensed, but it stung. I was a little miffed. I (privately) took exception to it. I felt it was discourteous to say such a thing to a stranger and first-time visitor to one's country (especially since the countries are former enemies), even if the claim, as I think it probable, is true.

Whether or not there is a real fact of the matter when it comes to discovering the nature of offense, two definitional strategies come to mind that could block some of my objections. One is stipulation: one could simply stipulate that by "offense" he or she means emotional hurt caused by a disparaging remark. Another is definition by a paradigm case. The hurt or indignation one feels at being called by some racial or ethnic epithet, for example, would constitute a prime case of offensiveness. We can approach new cases by analogy with the central ones. So perhaps there is a way adequately to define "offense" after all. Perhaps as well some genuine emotional residue remains beneath the fog of PC ideology, which has co-opted "offense" as a militant linguistic banner. But the offense committed by causing offense falls short of speech that "crosses the line"—that should fail to enjoy legal protection, unless one wants to enforce politeness. Politeness is a matter of manners, and even if manners, as Henry Sidgwick said, are mild morals, they are not of sufficient weight for prohibiting speech.

I conclude that arguments for restricting speech based on offense are defective since, among other things, the notion of offense itself is unclear and whatever sense we can attach to it indicates that the propensity for taking offense is often unjustified. In such cases calling for restricting liberty in the name of offense is sanctimonious—the offended of the world are dressing up a vice and parading it as a virtue. When the offense felt is more genuine—unmediated by ideology—it is morally insufficient to restrict speech.

Finally, the cartoons performed important functions that justified causing offense to some Muslims: they expressed moral condemnation and did so in a peaceful fashion. Condemning a threat to rights and freedoms from within protects the liberal ethical environment of Denmark. The cartoons testified that people in one of the most tolerant of countries have taken as much intimidation as they can stand and can no longer remain silent. This is a personal truth arrived at by individual reflection in a country that partakes of the culture of independence.<sup>11</sup> The cartoons also raised a legitimate question in the aftermath of the attacks of September 11 and the rising tide of Muslim violence in Europe that includes the murder of Theo van Gogh in the Netherlands: namely, what is the connection between Islam and terrorism?



### Insults

Suppose the objection is that the cartoons are wrong because they are insults and insults are wrong. One could go further and maintain that insults constitute provocation and are therefore speech that should not enjoy legal protection. Consider the following report from the Pope's recent visit to Istanbul: "We're here because the Pope has insulted our prophet and our religion," said one young Muslim activist, a woman who gave only her first name, Emine. "He is not welcome here unless he apologizes for the insult."<sup>12</sup> This response is typical. Muslims recently made an unsuccessful bid to have a play by Voltaire cancelled in France: *Fanaticism, or Mahomet the Prophet*. One Muslim activist wrote in his letter of protest to the French mayor: "This play . . . constitutes an insult to the entire Muslim community."<sup>13</sup>

There are a number of problems with the charge of insult. The objection seems to treat all criticisms of Islamic practices as gratuitous insults. But more plausible classifications of disapproving speech, artistic or otherwise, abound, including satire, ridicule, sarcasm, barbed responses about matters of public concern, or expressions of personal convictions. Moreover, the insulted bear partial responsibility for constituting the insult. Like dancing, it takes two to insult. To see this, consider failed insults. Suppose someone raises his little finger in an attempt to make an obscene gesture. His intention was present but did not suffice to make an insult. Or you raise your index finger to order a beer in a country that regards this as an insulting gesture. Or suppose an Arab shows you the bottoms of his feet in an attempt to insult you. But you see this all the time; he cannot insult you—you are unfazed, beyond the pale of the insult. In such cases as these, either the intention to insult is present but the attempt fails, or the intention is absent and the "insulted" party wrongly perceives the gesture. Again, one must be overly sensitive, I want to say thin-skinned, to participate in most acts of insult. Being especially vulnerable to insults is the person's own fault.

A different sort of example involving participation in insults concerns school mascots. American sports teams have an affinity for choosing mascots of beings we have decimated, for example, Native Americans and various wild animal species. Calls have gone out to replace the mascots of, among others, the Florida State University Seminoles, the Cleveland Indians (which have a particularly obnoxious emblem), the Washington Redskins, and the Atlanta Braves. Native American opinion is divided. Spokespersons for some tribes have objected to replacing the mascots, which they as well as team supporters interpret as expressions of veneration. In one survey, a strong majority of Native Americans was not insulted or offended.<sup>14</sup> The point is that the mascots' images and names are not stand-alone insults; they require interpretation.

Or suppose one knew all the sociology of insult-practices the world over: one constantly sees people performing act tokens identical to those of the insulting gestures outside their cultural contexts. Would one thereby be insulted by those who did not intend it?<sup>15</sup>

Perceiving the speaker's reciprocal intention that one should understand the remark *as* an insult is a necessary condition for a *direct* insult. What good is an insult unnoticed as such? Think of the kinds of remarks a football lineman makes to the player opposing him across the line of scrimmage. *Indirect* insults lack this intentionality: they are said to "go over someone's head." That is, they go unnoticed by the butt of the insult and are usually made for the benefit of some third party. Though the intent of the cartoons is not transparent,<sup>16</sup> the specific intention gratuitously to insult was not clearly present. For the cartoons to count as insults they would have to be direct; after all they were published for all to see and were directed at Muslims. Yet they were not conspicuously intended to be perceived as insults.<sup>17</sup> Hence, one is not justified in regarding them as insults.

Even if the cartoons' form of ridicule does insult, it falls well short of incitement. After all, are the insults of Don Rickles or Triumph the Insult Comic Dog really the same as inciting a riot or instigating a fight (more on incitement and fighting words below)? Lenny Bruce offended and rankled people without posing a clear and present danger—as did Socrates, though some upright Athenians thought otherwise. Notice also that the cartoons are disanalogous to racial insults, which one may be tempted to disallow, in that race is an involuntary characteristic of a person (more on hate speech below). One could reply that belief is involuntary, a point used against pragmatic justifications of religious belief (such as Pascal's Wager) that appeal to prudential reasons for believing in God's existence. Though probably not the best objection to such arguments,<sup>18</sup> this reply plausibly maintains that one cannot decide to believe that something is true based on self-interest. But if religious beliefs were involuntary, it would make no sense to discuss their truth or attempt to convert others to them. While people can be stubborn in their religious views, these beliefs are acquired and they can be discarded, but you cannot argue someone out of his or her race. Also, the reply equivocates on the word "belief," between the *formation* of belief, which may very well be involuntary, and the *content* of belief. No belief by virtue of its content is involuntarily held, unless it is innate.

However, there is a relevant question here about the *manner* in which religious beliefs are acquired: whether critically through a process of study, or uncritically, through rigid conditioning that bypasses rationality. In the latter case belief may seem to have a fixed character and form part of what a person is. Regarding one's beliefs in such a fashion would seem to constitute what Sartre called bad faith (*mauvaise foi*).<sup>19</sup>

The kernel of truth in the involuntariness reply finds its application here. The issue has more to do with the inculcation of religious doctrine, particularly Islam in the now infamous madrassas that propagandize young Muslims and turn many into actual or would-be suicide bombers, aka “martyrs.” This raises the question whether Islamic leaders wish their people to believe out of choice, because they have found Islam’s doctrines appealing based on investigation that allows for doubts, or to form their beliefs uncritically.<sup>20</sup> (This indoctrination forms the psychological conditions that give rise to instances of insult and offense. Having many such persons in our midst exacerbates tensions over freedom of expression.) The question remains whether this problem is inherent to Islam itself, or only radical interpretations of that religion. A recent book on the Muslim treatment of women closes with these words: “Radical Muslims should recall the words of the prophet: ‘There is no compulsion in Islam.’”<sup>21</sup>

Among kinds of insults, let us designate direct and indirect, gratuitous, and commentary insults. The Campari ad that was the subject of a libel action by the Reverent Jerry Falwell in *Hustler Magazine Inc. v. Falwell*<sup>22</sup> was a commentary insult, in the form of satirical ridicule. It depicted “Falwell” talking about his “first time” with his mother in an outhouse. The ad, though vulgar and insulting, made a point: it upset Falwell from his self-righteous posture as arbiter of morality and thus had cognitive content. Its allegation was figurative. Recalling Mill’s defense of speech, there may have been some truth in the ad. The Court held in favor of *Hustler*, which ran the ad, protecting its offensive satirical speech about a public figure. Alexander Pope called satire a “sacred weapon left for truth’s defense / Sole dread of folly, vice, and insolence.”<sup>23</sup> The cartoons, whose publishers also prevailed in a libel suit brought by Danish Muslims,<sup>24</sup> similarly used satire to accuse Islam of sponsoring violence and intolerance.<sup>25</sup>

It seems most reasonable to regard the cartoons as serious criticisms of the excesses of Islam rather than as insults directed toward an individual or even at Muslims per se except inasmuch as they exemplify the fanatical stereotype. That is quite different from insults, which make fun of, disparage, provoke, or impugn honor. And the response of many Muslims to the cartoons—widespread rioting, murder, burnings in effigy, vandalism, and expressions of outrage—did little to disprove the cartoons’ allegations.

The insult-objection amounts to an ethical category mistake of sorts, not unlike the Reagan administration’s Baby Doe Rules, which misclassified decisions to allow hopelessly defective newborns to die as discrimination against the handicapped.<sup>26</sup> But even if the cartoons were insults, sometimes an insult is justified, especially after a train of abuses and repeated failed attempts at rational persuasion.<sup>27</sup> Like the Socratic elenchus, a satiric insult can sting the sleeping into wakefulness, or the satire can elevate attention to an urgent problem and galvanize opposition to a threat.

Finally, there is the question of how one ought to respond to an insult. Two paths, both infinitely superior to outrage and libel action, come to mind. First, the cartoons presented an opportunity for Muslims to meet speech with speech. Rather than calling for censorship or censure they could have refuted caricatures of their religion and set the world straight about its true character. This path has proved most effective against campus hate speech.<sup>28</sup> This response, rather than calling for restriction, actually reduces unwanted speech. Second, the famous episode of Jesus of Nazareth's counsel to turn the other cheek is instructive. Jesus said that if someone strikes you on the left cheek to turn to him your right one also. This is not a profession of pacifism. Since most people are right-handed, a person who strikes one's left cheek does so with the back of her hand. This is an insult, not an attack. Jesus therefore advises people to refrain from returning an insult, not to forego defending oneself.<sup>29</sup> This seems like sound advice; better to be a peacemaker. By remaining at the ready to respond rashly to the insult, one's responses are under the control of others; one also thereby escalates the hostility.

### Harm

Muslims could claim their strong offense or emotional hurt amounts to harm. They believe their religion forbids making images of the Prophet and the cartoons strike at their deep sense of religious identity. Mill left the door open to such objections, which seem in principle compatible with his harm principle. Mill regarded harm to others as the only legitimate ground for restricting liberty. The underlying problem is how to define "harm," whether narrowly or broadly. A narrow definition restricts harm only to prevent physical injury. But this affords protection to behavior that causes serious psychological harm, such as harassment and stalking, which are good candidates for restriction. Notice that these harms are non-ideological in nature; anyone, independent of his or her moral or theological outlook, could agree that these behaviors should be prohibited. But the cartoons did not cause secular (viewpoint-neutral) harm since reference must be made to religious doctrine.

In *Schenck v. United States* and *Whitney v. California*, the Supreme Court laid the foundation for interpreting the First Amendment and identifying the main category of unprotected speech: "clear and present danger." In *Chaplinsky v. New Hampshire* the Court added "fighting words": those "epithets likely to provoke the average person to retaliation, and thereby cause a breach of the peace." The tendency to provoke immediate violence, rather than the content of speech, makes such a class of utterances a reasonable exception to free speech. As Richards notes, this standard was anticipated early on:

Madison's criterion for the abridgment of freedom of speech is the same as Jefferson's criterion for the abridgment of religious liberty: speech may be abridged only "when principles break out into overt acts" inflicting secular harms (a criterion anticipating the highly demanding contemporary requirements for satisfaction of the "clear and present danger" test, namely, the danger of some imminent, nonrebuttable, and very grave secular harm).<sup>30</sup>

As Dworkin points out, the distinction between "overt acts" and "speech" will not withstand analysis. Fighting words are unprotected because of their propensity to cause imminent violence. In this narrow class of cases, speech simply gives way to other values such as physical security.<sup>31</sup> In *Texas v. Johnson* the Court, albeit with vigorous dissent, protected flag burning as a form of protest despite the possibly violent reactions of others, reasoning that freedom of expression should not be held hostage by the unwillingness of some people to restrain themselves. Is this consistent policy? I believe so. If Muslims regarded the cartoons as desecration, then the cartoons case resembles *Texas v. Johnson*, and the same argument for protecting the speech applies.<sup>32</sup>

We should take notice of the fact that the reasonable judicial standards in *Schenck* and *Chaplinsky* were absurdly applied to the cases before the Court. One might think, from the phrase "clear and present danger" and Chief Justice Holmes's supporting example of falsely shouting "Fire!" in a crowded theatre, that *Schenck* must have stampeded a crowd; or from the expression "fighting words" that *Chaplinsky* instigated a fight by uttering a vulgar directive. But *Schenck* mailed pamphlets urging his fellow citizens to refuse military service in the Great War. *Chaplinsky* called the mayor a damned racketeer and a fascist. It took a later case, *Whitney v. California*, for the Court to narrow the "clear and present danger" rule from *Schenck* to include incitement and exclude advocacy of ideas. This provides ample reason for limiting restrictions on speech to a narrow category of harms or violations of rights, because what was plainly seen in hindsight as advocacy was once thought shortsightedly to fall within the purview of the judicial standard.

The cartoons largely escaped notice in Denmark at the time of publication. Certain Danish clerics agitated for a boycott of Denmark to mullahs in foreign countries. If there was a clear and present danger, it came from without: the incitement had a 4000-mile fuse. It should be noted that this attempt at extraterritorial control of press is unprecedented. In World War II, neutral and even some occupied countries, including Denmark, enjoyed a surprising degree of press freedom and published negative statements about the Nazis without direct reprisal.<sup>33</sup>

### Hate Speech and the Speech Act Wrong of “Subordination”

A family of terms has found its way into disputes over certain kinds of controversial expression. Attempts have been made to restrict speech that “subordinates,” “denigrates,” “debases,” “stigmatizes,” “demeans,” “degrades,” “victimizes,” and the like.<sup>34</sup> Although these words have their home in campus speech codes and certain forms of pornography legislation, it is conceivable they could be employed to condemn the cartoons. This is because these words target speech and images that disparage people on the basis of ethnicity, race, religion, gender, or sexual orientation. Some lawyers, activists, and philosophers have advocated parting ways with First Amendment doctrine. They would remove protection from some forms of speech based on the speech’s viewpoint.

Let us consider the best of these arguments: Andrew Altman’s<sup>35</sup> case for limited campus speech codes that violate liberal viewpoint-neutrality to prohibit the wrong caused by “the illocutionary speech act of subordination” when terms that express visceral hate are spoken directly, with bad intent, to particular persons.<sup>36</sup> Although he has in mind the utterance of racial and ethnic slurs, terms with potent emotive force, arguments could be spun from the same cloth in favor of more sweeping prohibitions, possibly against publication of the cartoons, which is certainly not Altman’s purpose. The reasons for this are three: first, the inherent vagueness of terms such as “subordinate”; second, the potential for justifying reasons that underlie violating viewpoint-neutrality to overreach, and third, shifts in who holds power (more on this below). A number of speech codes and laws utilizing these terms have been struck down by the courts for reasons of vagueness and over-breadth, including the narrowly drawn codes of which Altman approves, namely, Stanford University’s (*Corry v. Stanford University*). Judge Easterbrook even went so far as to accuse the Indianapolis pornography ordinance, which forbade “degrading” images of women and was sponsored by radical feminist Catherine MacKinnon (*American Booksellers v. Hudnut*), of thought control. I hope to defend the Court’s view that the use of such terms in law is improper.<sup>37</sup>

More to our point: do symbolic speech acts have illocutionary force? Examples include burning an American flag in protest (*Texas v. Johnson*), displaying the swastika while marching through Jewish neighborhoods (*Nationalist Party of America v. Village of Skokie*<sup>38</sup>), and cross burnings (*Virginia v. Black*<sup>39</sup>). While *Skokie*’s symbolic hate speech did not address particular persons, did it perform an expressive act of subordination? One could argue that its illocutionary force was to do just that, by stating, in effect: “You Jews are inferior. You deserve to die.” Consider further *Virginia v. Black*, which involved a pair of incidents that also put the Court’s protection of viewpoint-neutrality to the test. The Court distinguished between a threat and hate speech per se (an expression of a view). It upheld Virginia’s hate crimes law only as it applied to a threat, which might

be made in innumerable other ways, stemming from burning a cross on a black family's lawn, and did so based on the historical association between cross-burning and threats of violence. But it reversed the conviction of a man who burned a cross on private property with the permission of the owner. The Court held that the latter incident did not in itself constitute a threat, regardless of the history. To apply Austinian terminology, the act of burning a cross on a black family's lawn performed the illocutionary speech act of issuing a threat. But did the cross burning on private property, even though it did not constitute a threat, count as an act of subordination?

How would Altman's rule adjudicate such nuanced cases? Easy: neither the march nor the cross burning on private property involved direct address. But the aspect of threat captures the case of direct address without invoking the vague "subordination" and without violating viewpoint-neutrality. Moreover, one could hold, as did critics of allowing the neo-Nazi march, that an entire community was addressed by the hate speech, especially since a Jewish neighborhood was chosen. What if the cross burning had taken place in a public place in a predominantly black neighborhood? Advocates of restricting hate speech might reason as follows: since preventing subordinating expression is of such vital importance for the protection of moral equality as to justify violating viewpoint-neutrality, why insist on direct address? After all, on Altman's view it is the subordination (a wrong), not the causing of distress (a harm), that justifies prohibition. Why does direct address alone constitute subordination? Once we cross the line and restrict speech based on viewpoint, wider application for similar justifying reasons becomes possible.

The cross-burning rulings proved no victory for defenders of hate crimes laws that violate viewpoint-neutrality: the government did not get to decide on the wrongness of beliefs. Consider the remarks of law professor Eugene Volokh in his article "Burning to Say Something":

[The Court's ruling] doesn't clearly dispose of these issues—but it does reinforce the principle that First Amendment cases must be decided without regard for the speaker's ideology. Even racist speech isn't subject to any extra restriction; likewise, even pro-civil-rights speech can get no extra protection, either. That may be good news for those who, like the Nuremberg Files defendants, want to rely on the strongly speech-protective *Claiborne* decision. Their political cause may be less appealing to many Justices than the civil rights cause involved in *Claiborne*. But the Court has again affirmed that the law treats speech without regard to the cause that the speech espouses.<sup>40</sup>

Direct hate speech of certain types can be handled by existing categories of unprotected speech—incitement, fighting words, or threats—based on their likely effects, without the need for violating viewpoint-neutrality.

A number of other problems attend Altman's argument. How can it be known when slurs are intended to subordinate on the basis of attributes such as race, ethnicity, or sexual orientation per se, rather than to put someone down for his or her behavior or appearance? Altman exempts "transvalued" use of terms such as "queer" and "nigger" by gays and blacks. Leave aside the point that legitimizing such language sets up a double standard that will more likely exacerbate than defuse hostility. Suppose some members of once victimized groups go further and deliberately exemplify a stereotype in their behavior or appearance. This—and not the person's racial, ethnic, sexual-oriented, etc., group membership per se—may occasion slurs that seem to subordinate on the basis of group membership alone. My point is not to justify the use of slurs and epithets; rather, it is to show that Altman's assumptions about intent are underdetermined by the linguistic evidence. The epithet user may mean or intend his or her remark thus: "You are an X because you exemplify behavioral traits Y associated with being a stereotypical X." This statement does not imply the claim "All members of your (racially, sexually-oriented, etc.) designated group Z possess Y." In short, Altman makes unwarranted assumptions about what it is that all hate speakers hate. Under Altman's understanding of, for example, racism—believing others to have a lesser moral status because of nothing more than their racial membership or skin color—it is questionable that many people anymore will turn out to be racists. Altman makes a similar point about believing people are morally inferior based on their appearance (e.g., obesity): that few, if any, actually believe that. This is not to say that some people are not genuine racists, bigots, or homophobes: some people clearly do condemn others based on homosexual behavior and racial, ethnic, or religious membership alone.

Terms such as "subordinate" can hardly be used without scare quotes, so problematic are they. How is one to apply them? Consider borderline slurs. Would Altman's injunction prohibit Jews from addressing non-Jews as *goyim*? Since this term refers to all non-Jews in a less than flattering way, a "Gentile" hearer might infer that use of the term is demeaning, stating, in effect: "You are other. Your interests matter less than those of my people." How can we tell whether calling someone *goyim* performs the illocutionary speech act of subordination? What about the Italian slang word for blacks, *malignan* (eggplant); suppose someone used this and the hearer, a black person, didn't understand its meaning (or did)? What about *schwartzza*? By what criteria can we decide whether such Yiddish or Italian expressions have strong enough emotive force to meet Altman's test for legitimate restriction? If the person's reaction is the test, then the limits of free speech are fixed by the highly variable effects of words on hearers. This provides no stable standard.

Now, "subordinate," as applied to illocutionary speech acts, cannot be a success verb like "refute." The illocutionary speech act succeeds or not by virtue of its perlocutionary force: presumably if it makes the person feel put in his or her place. How likely are epithets to succeed in



their perlocutionary ambitions? They could not succeed in causing someone to have lesser moral worth—that is, if all persons have inherent and equal moral value. So the slur always amounts to an unsuccessful attempt, like attempted murder. It seems, then, rather odd that this type of rule prohibits only attempted, that is failed, subordination. One could reply, first, that the attempt itself is wrong. Second, the linguistic environment—especially the collective use of metaphorical terms of identification<sup>41</sup>—can help to sustain the moral wrong of discrimination, the violation of equal moral worth. But what if discriminatory practices have all but halted? The speech act, as we have seen, cannot succeed by itself; it is only a linguistic wrongful helper.

Another move is to bring in the first John Austin to support the second. In Austin's positivist analysis of laws as commands, a necessary condition of a command is that it issue from a superior to a subordinate. Thus, I could perform the locutionary act of uttering "Give me a raise" to my boss, but because of my position relative to his my utterance could not constitute the illocutionary act of issuing a command, though it may, in some distant possible world, accomplish the perlocutionary act of getting him to give me the raise. Now, various groups' relative positions of power and subordination, or histories thereof, could come into play with respect to epithets. Spike Lee in response to a charge of racism once said that only a white person could be a racist.<sup>42</sup> Perhaps then, a necessary condition of performing the illocutionary speech act of subordination is that the speaker be a member of a group that once oppressed the hearer's group. One could now handle the example of a Jew calling a Gentile *goyim*. This would fail to count as an illocutionary speech act of subordination since Jews never subordinated Gentiles.

While these considerations may help to supplement Altman's analysis, a new problem arises: applying points about groups' power relations and speakers' intent would require complicated historical, linguistic, and psychological inquiries on the part of courts (or disciplinary committees) that would be subject to lawyers' manipulated versions. My point here is directed against the application of Altman's standard rather than the standard itself. But this is a crucial matter since law requires predictability and stability. And how long does a historical relationship continue to explain, condemn, justify, or excuse? What if a role reversal has taken place and the formerly disadvantaged group now enjoys more power and advantage than its historical oppressor does? Further: is the use of transvalued epithets, once it has taken hold, always performed for the subversive intention that Altman suggests, or does it at some point proceed merely from habit and group norms? Consider young blacks' use of "nigger," an altogether common practice noticed by subway riders in large U.S. cities. Power relations among groups, problems of complex intent, and subtleties of linguistic usage form a sticky wicket for framing and enforcing rules that would ban speech based on viewpoint.

Finally, let us not forget that calls for restricting speech come from both the Right and the Left. Once the door is opened, a host of vague terms comes in: "uncivil," "inappropriate,"

“subversive,” “un-American,” as well as “subordinate” and its ilk.<sup>43</sup> The use of offensive language is variegated, and the terms targeting speech are themselves incapable of clear and precise definition and application. Altman could reply that only when such intent to denigrate on account of race, etc., is present does the case meet his conditions. But now we are truly wasting time “drawing tenuous distinctions and testing boundaries”<sup>44</sup> when other responses to unwanted speech would prove more fruitful.

The Danish cartoons were not verbal slurs addressed to individuals. But were Danish Muslims, who felt aggrieved enough to launch a libel suit, subordinated or demeaned by the symbolic speech act performed by the published cartoons? Or were they merely offended, insulted, or stigmatized?

### Stanley Fish’s Attack on Free Speech

Stanley Fish in numerous writings and interviews has produced provocative attacks on First Amendment absolutism. The most influential is the article entitled “There’s No such Thing as Free Speech, and that’s a Good Thing, too,” from the anthology, *Debating PC*.<sup>45</sup> Fish defends campus speech codes and hate crimes laws, and wrote an op-ed in *The New York Times* defending Muslim students who protested my university’s choice of Salman Rushdie as commencement speaker in 2006.<sup>46</sup> Fish maintains that “free speech” is a misnomer since occasions on which speech typically occurs are not “weightless”; they involve constraints and interests. Principles such as the First Amendment are illusory, since they are either vacuous abstract generalizations or else smokescreens concealing an agenda about particular cases. Fish begins the article by citing Milton, who argued passionately for free speech in the *Areopagitica* only to exclude the speech of papists, almost as if it went without saying, on grounds their speech undermines the legitimate purpose of speech. For Fish, this is no anomaly: any conception of free speech admits an open-ended class of exceptions of unprotected speech that undermines such values.

Dworkin criticizes Fish for considering only extrinsic-value defenses of free speech: these alone set up purposes such as furthering public debate or the search for truth that retrograde speech fails to promote. Fish does, though, try to reduce defenses of the intrinsic value of free speech to absurdity. How, he asks, could the mere utterances, divorced from purpose, be intrinsically valuable? Dworkin defends the *constitutive value* of free speech, independent of its content, for the exercise of moral responsibility; that is, speaking one’s thoughts and deciding for oneself is necessary if one is to live as a full moral agent.<sup>47</sup> This is important regardless of various extrinsic purposes that speech might serve.

It is true to say that free speech doesn't exist only in the innocuous sense that freedom of expression admits of exceptions. Fish saddles his opponent with holding the First Amendment as exceptionless. How more reasonable then is his position, which denies the meaningfulness of principles altogether? Notice that Fish's argument is self-refuting: he has erected a principle that states the meaninglessness of principles. His main argument, though, is essentially this: free speech would have to be absolute; but there are exceptions to free speech; hence, free speech does not exist. But the example from Milton invokes the content of speech and is thus relevantly dissimilar from speech that poses a factual clear and present danger. Fish uses exceptions to free speech as a wedge to open the door to limiting speech that we are better off without, especially speech that offends or disparages on the basis of race, gender, religion, etc. Would he then be willing to limit Muslims' speech if it offends others? He would not.

It goes without saying that moral principles have exceptions, even the absolute-sounding First Amendment. Suppose that by uttering the word "artichoke" one would trigger a nuclear holocaust. Certainly, the authorities would be justified in issuing a prior restraint against uttering "artichoke." But it hardly follows that there is no presumption in favor of speech, or that any time speech serves a purpose inimical to valuable purposes that suppressing it is justified. So, recognized thoughtful exceptions to the First Amendment provide no opening for Fish-type objections. Fish replies to charges of Muslims' hypocrisy over the cartoons as follows:

One of those arguments goes this way. It is hypocritical for Muslims to protest cartoons caricaturing Muhammad when cartoons vilifying the symbols of Christianity and Judaism are found everywhere in the media of many Arab countries. After all, what's the difference? The difference is that those who draw and publish such cartoons in Arab countries believe in their content; they believe that Jews and Christians follow false religions and are proper objects of hatred and obloquy.

But I would bet that the editors who have run the cartoons do not believe that Muslims are evil infidels who must either be converted or vanquished. They do not publish the offending cartoons in an effort to further some religious or political vision; they do it gratuitously, almost accidentally. Concerned only to stand up for an abstract principle—free speech—they seize on whatever content happens to come their way and use it as an example of what the principle should be protecting. The fact that for others the content may be life itself is beside their point.

This is itself a morality—the morality of a withdrawal from morality in any strong, insistent form. It is certainly different from the morality of those for whom the Danish cartoons are blasphemy and monstrously evil. And the difference, I think, is to the credit of the Muslim protesters and to the discredit of the liberal editors.

The argument from reciprocity—you do it to us, so how can you complain if we do it to you?—will have force only if the moral equivalence of “us” and “you” is presupposed. But the relativizing of ideologies and religions belongs to the liberal theology, and would hardly be persuasive to a Muslim.<sup>48</sup>

The price of issuing such a blank check for Muslims is to infantilize them, to rob them of responsibility for their actions. Muslims as a result would be subject to Mill’s exemptions from the liberty protected by the harm principle, which include children, mental defectives, and members of civilizations as yet “in their nonage.”<sup>49</sup> (For Mill, paternalism for such persons was justified since they do not know their own interests best.) Furthermore, here we see, amazing at this late date, the resurrection of the Romantic anti-Enlightenment attitude of a Thomas Carlyle<sup>50</sup> who looked nostalgically on the Middle Ages and prized unwavering conviction over a critical attitude. Fish’s remarks invite retort from these lines of Yeats’s poem, “The Second Coming”: “The best lack all conviction, while the worst / Are full of passionate intensity.”<sup>51</sup>

Fish joins right-wing critics in speaking of a so-called “liberal theology”—aka the so-called “religion” of secular humanism. He repeats Sam Harris’s<sup>52</sup> charge of hypocrisy against religious moderates, though not with the same intent as Harris. If you really believed the claims made in the various scriptures about the nature and gravity of sinful deeds and attitudes, you would be justified in inflicting the punishments prescribed therein.<sup>53</sup> So Harris lays the blame with religion itself as a species of unjustified belief that motivates violence. Unlike Fish, Harris argues that this state of affairs provides all the more reason to inveigh against religious belief itself.

Fish also charges what Rawls feared: that liberalism amounts to no more than another comprehensive (moral, political, religious, or philosophical) doctrine.<sup>54</sup> But it isn’t, exactly. Political liberalism attempts to swing free of comprehensive doctrines, and includes what Thomas Nagel<sup>55</sup> calls a high-order principle of impartiality that demands that people restrain themselves when calling upon the state to enforce certain of their deeply held convictions. After all, one would wish for others to do the same. As Dworkin points out, this warning to exercise caution in visiting one’s beliefs upon others lest others should do the same goes back to Voltaire.<sup>56</sup> Once the door is opened to restricting speech based on content, others who come to power can do so as well.

Fish decries liberalism's creed as lukewarm. But it is certain comprehensive doctrines—secular as well as religious ideologies—that gave us the great evils of world war, genocide, and massive repression. But one can be passionate about liberal rights and freedoms, and defend them with courage and ingenuity, as the Danes did in resisting the anti-Jewish measures the Nazis sought to impose in 1943.<sup>57</sup> One can do many things under a liberal state: grow flowers, brew beer, paint landscapes, compose symphonies, do physics and philosophy, love, and even worship. Liberalism's minimalist public principles, in short, allow for the widest expanse of liberty possible.

### **Legal Inconsistency**

Another objection to the cartoons alleges inconsistency of laws in some Western countries; for example, English laws forbidding blasphemy against Christianity and Holocaust-denial laws in seven European countries. To begin with, blasphemy laws are rarely enforced, so it is hardly accurate to say religious discrimination is taking place in practice (mosques abound in these countries). Denial laws could be justified as a legitimate exception to free speech, especially in Germany with its dark past: at least these laws are grounded in historical experience. But the cleanest response is to advocate repealing blasphemy and denial laws: this gives the critic who alleges partiality no leg to stand on. Allowing full freedom of speech based on content makes for consistent policy.

The charge of inconsistency backfires. Western countries are far more tolerant of Muslims than Muslim countries (or many Muslims) are of non-Muslims; and this is the import of some of the Pope's recent remarks, which also aroused great hostility from Muslims.<sup>58</sup> Would Muslims accept criticisms of Islamic countries' treatment of non-Muslims? Saudi Arabia is closed to tourists; Mecca is off limits to non-Muslims; public display and worship of non-Muslim faiths is prohibited. In many Muslim countries, Bibles are not allowed and Christians are being forced out.

Demands, therefore, for greater sensitivity to Muslim concerns amount to special pleading and bad faith. Such demands are inconsistent and constitute a failure of impartiality (that is, equal consideration for the like interests of others). "Never insult anyone's religion" is not the radical Muslim's maxim; "Never insult Islam" is. One must come to equity court, as it were, with clean hands.<sup>59</sup>

### **Conclusions**

Tolerance cannot be elevated to an ultimate principle; it would then tolerate intolerance, which would destroy tolerance. Radical Muslims acting under the guise of righteous indignation are

perpetrating an atmosphere of intimidation in various non-Muslim countries.<sup>60</sup> To compromise free speech, as Britain has recently done<sup>61</sup> in the aftermath of the furor over the cartoons, seems painfully close to *appeasement*, a term Lord Chamberlain made infamous in his dealings with Hitler. If such a move were generally accepted then an illiberal group would have succeeded in gaining veto power over speech in liberal countries. With the coming of “multicultural” societies that lack clear majorities that agree on basic political principles, we could see the emergence of a new political paradigm to match the social reality: the advent of “mutually tolerant minorities,” to borrow, for a different purpose, Hart’s prescient term from the late fifties.<sup>62</sup> Perhaps these minorities will “respect”—fail to question or criticize<sup>2</sup>—one another’s irrational religions and worldviews. In other words, rights to speech and inquiry will be weakened for the sake of social harmony. Enlightenment values are at stake here, as the attempt at silencing Voltaire, the Enlightenment’s leading prophet, strongly and symbolically testifies.

The effort to arrive at what Rawls calls an “overlapping consensus”<sup>63</sup> to ensure stability for the principles of justice accepted by all parties should not be used for, or confused with, any effort to reduce free speech rights to accommodate groups’ claims of offense. If that were to happen, the culture of independence would have been compromised in favor of its rival: the culture of conformity, which diminishes the value of personally arrived-at moral truths. One could object that I have offered up a false dilemma: other Western countries do not protect controversial speech nearly as strongly as the U.S. But skepticism and timidity over free speech are unjustified—adhering to something like the First Amendment is necessary to express fully the constitutive value of free speech.

It may be true that political liberalism embodies some conception of the good.<sup>64</sup> And the liberal state certainly allows many activities that diminish the ethical environment of conservative people. But while there is no such thing as total state neutrality, that’s not a bad thing, either. Liberalism is compatible with people living conventional lives based on received opinions—they need not carry out bold Millian experiments in living. They are free to pursue and espouse their visions, so long as they allow others to do the same. As Dworkin puts it, “Censorship will always prove a traitor to justice.”<sup>65</sup>

## Notes

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<sup>1</sup> I would like to thank the University of Central Florida Department of Philosophy, Office of Student Conduct and Student Rights and Responsibilities, and The Quality Enhancement Plan for Information Fluency for hosting the conference “Heresy, Blasphemy, and Freedom of Expression,” which provided the impetus for this paper; and the National Endowment for the Humanities Summer Seminar in Philosophy: “Political Obligation, Democratic Legitimacy, and Human Rights: Theoretical and Applied Issues,” directed by Andrew Altman and Christopher Heath Wellman, at Georgia State University, Summer 2005. That seminar provided invaluable preparation for this project. I am also indebted to Professors Darren Hibbs, Stephen Levitt, Chris Natticchia, and John Valentine for commenting on drafts of this essay. I have incorporated many of their suggestions into the text.

<sup>2</sup> Thomas Nagel, “Moral Conflicts and Political Legitimacy,” reprinted in *Morality, Harm, and the Law*, Gerald Dworkin, ed., (Boulder: Westview, 1994), 71.

<sup>3</sup> Jean-Jacques Rousseau, *On the Social Contract*, ed. Roger D. Masters, trans. Judith R. Masters (New York: St. Martin’s, 1978), Chapter VIII, 457.

<sup>4</sup> *Cohen v. California* 403 US 15 (1971).

<sup>5</sup> Ronald Dworkin, “The Right to Ridicule,” *The New York Review of Books* (23 March 2006), vol. 53, Issue 5, 44.

<sup>6</sup> I thank my colleague Darren Hibbs for this point.

<sup>7</sup> See H. L. A. Hart on this point in his discussion of the Wolfendon Committee’s *Report of the Committee on Homosexual Offences and Prostitution in Great Britain in Law, Liberty, and Morality* (New York: Vintage, 1963), 13.

<sup>8</sup> This tactic provides an instance of what Nietzsche apparently thought was the general function of all normative moral discourse (at least of the slave morality variety): surreptitiously to gain power over one’s opponent. One can see the blame industry at work employing this strategy particularly in the United States when it comes to expression that offends members of some groups. The most recent example involves reactions to a racial remark made by radio/TV personality Don Imus about the women’s basketball team at Rutgers University. Predictably, Jesse Jackson and Al Sharpton stepped forward as the self-appointed spokesmen for the black community calling for Imus’s ouster. It is tempting to see such moral rhetoric as posturing and self-elevation. One can picture a climber raising himself up by stepping on his opponent as though he were the rung of a ladder. But nothing like the hue and cry for Imus’s dismissal went up for the removal of Mike Nifong, the DA who railroaded the three innocent Duke University lacrosse players over the course of more than a year toward convictions that carried thirty year sentences. A press conference held on April 13, 2007,

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announcing the intervention of the Attorney General of the state of North Carolina to halt the prosecution occurred in the midst of the Imus debacle, but it received nowhere near the same attention in the press. This pair of incidents demonstrates, first, the lack of proportionality between the moral gravity of incidents and the amount of offense taken; and, second, the extent to which proliferation of an atmosphere of “offendedness” fosters perversions of moral thinking and miscarriages of justice. Offense, then, is a morally unreliable guide to regulating speech. I should note that the Rutgers’ athletes themselves, though hurt, showed none of the tutored rhetorical posturing mentioned above. I do not know whether to classify their response as expressions of offense. They were keen to point out that Imus didn’t even know them, and that their pride over their accomplishment was dimmed by his slight.

<sup>9</sup> David A. J. Richards, “Toleration and Free Speech,” *Philosophy and Public Affairs*, Vol. 34, No. 3. (Autumn 1988), 335. The italics are mine.

<sup>10</sup> See Jean-Paul Sartre, *The Emotions: Outline of a Theory*, trans. Bernard Frechtman (New York: Philosophical Library, 1948), esp. chapter 3; *Existentialism and Human Emotions*, trans. Frechtman and Hazel E. Barnes (New York: Philosophical Library, 1985), especially the essay “Existentialism,” 22, 27, 34; and *Being and Nothingness*, trans. Barnes (New York: Pocket Books, 1977), especially Part I, Chapter Two, and Part Three, Chapter Three. For trenchant criticisms of Sartre’s views on the emotions see Michael Levin, *Metaphysics and the Mind-Body Problem* (Oxford: Oxford UP, 1979), especially 175.

<sup>11</sup> See Ronald Dworkin, *Freedom’s Law: The Moral Reading of the American Constitution* (Cambridge, Mass.: Harvard UP, 1996), 252-253.

<sup>12</sup> Owen Matthews, “Mission Impossible?” Newsweek Web Exclusive. Published and accessed 28 Nov. 2006. Search <<http://www.newsweek.com>> by “Pope’s Visit.”

<sup>13</sup> Andrew Higgins, “Muslims Ask French to Cancel 1741 Play by Voltaire,” *The Wall Street Journal*, reprinted in the Pittsburgh *Post-Gazette* online 6 March 2006. Accessed 15 Nov. 2006. Search <<http://post-gazette.com>> by author.

<sup>14</sup> “According to the *Sports Illustrated* survey, 87 percent of American Indians who lived outside Indian reservations did not object to Native American mascots or nicknames. Of the Indians who lived off reservations, 67 percent were not bothered by the nicknames, while 33 percent opposed them.” Phyllis Raybin Emert, “Native American Mascots: Racial Slur or Cherished Tradition?” <<http://www.njsbf.org/images/content/1/1/11134/Respect%20Winter%202003.pdf>>. Accessed 2 Jan. 2007.

<sup>15</sup> I am grateful to my friend Rick Scarborough for some of these examples.

<sup>16</sup> Stanley Fish, “Our Faith in Letting It All Hang Out,” *The New York Times*, 12 Feb. 2006.



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<sup>17</sup> Cf. Fish's dismissal in "Our Faith in Letting It All Hang Out" of the publisher's explanation for publishing the cartoons. Fish fails to consider what the cartoonists' reasons were or might have been.

<sup>18</sup> The best objection is probably to accept the terms of the Wager and show that believing, without regard to evidence, exposes one to the possibility of infinite loss. The reason is that Pascal makes certain assumptions about God's nature; namely, that He would reward belief per se and punish disbelief per se. But this ignores other possible natures God might have, some of which expose the gambling theist to damnation. Suppose for example that God punished only believers, or else those people who believe for the wrong reasons, for example, poor arguments or else self-interest. I thank Michael Tooley for this point.

<sup>19</sup> Sartre, *Being and Nothingness*.

<sup>20</sup> I thank my colleague Stephen Levitt for this point.

<sup>21</sup> Jan Goodman, *Price of Honor: Muslim Women Lift the Veil of Silence on the Muslim World* (Boston: Little, Brown, and Company, 1994), 363. I thank Sanela Jakovljevic for directing me to this work.

<sup>22</sup> *Hustler Magazine, Inc. et al. v. Falwell* 485 US 46 (1988).

<sup>23</sup> Cited in Carl Dennis, *Poetry as Persuasion* (London: U of Georgia P, 2001), 81.

<sup>24</sup> "Danish Paper Wins Mohammed Cartoon Libel Case," by Gelu Sulugiuc, Reuters, 26 Oct. 2006. Accessed 26 Oct. 2006.

<sup>25</sup> Here one could certainly accuse the cartoons—at least the one that gained the greatest notoriety by depicting an image of Muhammed with a bomb in his turban—of inaccuracy. One could maintain that Islam is essentially a peaceful religion that certain mullahs are using for their own purposes to promote violence.

<sup>26</sup> See Peter Singer and Helga Kuhse, "Letting Handicapped Babies Die." Excerpted from their "The Future of Baby Doe," *The New York Review of Books* (1 March 1984), 17-22. Reprinted in James Rachels, *The Right Thing to Do*, 2<sup>nd</sup> ed. (New York: McGraw-Hill, 1999), 116-128.

<sup>27</sup> In addition to the van Gogh murder, these include attempts to cancel cultural events in non-Muslim countries, including a Mozart play in Germany and a play by Voltaire in France, and the creation of a pervasive climate of fear that made it impossible for a Danish author to find an artist who would illustrate his book on Muhammed.

<sup>28</sup> Notable campus incidents were discussed by Gary Pavela in his speech, "Defining the Scope of Student and Faculty Academic Freedom," delivered at the University of Central Florida's conference "Heresy, Blasphemy, and Freedom of Expression," 10 Jan. 2007.

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<sup>29</sup> I owe this point to the late Richard Sharvy in his unpublished, underground classic, “Who’s to Say What’s Right or Wrong? People Who have Ph.D.s in Philosophy, that’s Who.” For a link to his paper see <<http://evans-experientialism.freewebspace.com/sharvy.htm>>.

<sup>30</sup> David Richards, “Toleration and Free Speech,” 332.

<sup>31</sup> I do not discuss here the great embarrassment to the Court’s otherwise rational doctrine of unprotected speech: obscenity law.

<sup>32</sup> *Schenck v. United States* 249 U.S. 47 (1919); *Whitney v. California* 274 U.S. 357 (1927); *Chaplinsky v. New Hampshire* 315 U.S. 568 (1942); *Texas v. Johnson* 491 U.S. 397 (1989).

<sup>33</sup> See Nora Levin, *The Holocaust: The Destruction of European Jewry: 1933-1945* (New York: Schocken Books, 1973), 392, 396.

<sup>34</sup> See Gary Pavela, “Only Speech Codes Should Be Censored,” *Chronicle of Higher Education*, Vol. 53, No. 15 (1 Dec. 2006): B14.

<sup>35</sup> Andrew Altman, “Liberalism and Campus Hate Speech: A Philosophical Investigation,” *Ethics*, Vol. 103 (Jan. 1993), 302-317.

<sup>36</sup> Altman employs J. L. Austin’s distinction between locutionary, illocutionary, and perlocutionary speech acts from Austin’s *How to Do Things with Words* (New York: Oxford UP, 1962).

<sup>37</sup> *Corry v. Stanford University*, California Superior Court, Santa Clara County (1995), No. 740309; *American Booksellers Association, Inc. et al. v. William H. Hudnut, III, Mayor, City of Indianapolis, et al.* 598 F. Supp. 1316 (S.D. Ind. 1984).

<sup>38</sup> *Village of Skokie v. National Socialist Party of America* 432 U.S. 43 (1978).

<sup>39</sup> *Virginia v. Black* (01-1107) 538 U.S. 343 (2003) 262 Va. 764, 553 S. E. 2d 738. Thanks to my friend George Ralph for bringing this case to my attention.

<sup>40</sup> Eugene Volokh, “Burning to Say Something.”

<[http://www.cfif.org/htdocs/freedomline/current/guest\\_commentary/first\\_amendment\\_ideology.htm](http://www.cfif.org/htdocs/freedomline/current/guest_commentary/first_amendment_ideology.htm)>. Web site for the Center for Individual Freedom. The case is *Virginia v. Black* (01-1107) 538 U.S. 343 (2003) 262 Va. 764, 553 S. E. 2d 738, affirmed in part, vacated in part, and remanded.

<sup>41</sup> Robert Baker introduced this term in his article, “On ‘Chicks’ and ‘Pricks’: A Plea for ‘Persons,’” reprinted in *Philosophy & Sex*, Robert Baker and Frederick Elliston, eds. (Buffalo: Prometheus, 1975), 45-64.

<sup>42</sup> I believe I heard him make this remark a number of years ago during an interview that was aired on network television.

<sup>43</sup> Pavela, “Defining the Scope of Student and Faculty Academic Freedom.”

<sup>44</sup> Pavela, “Defining the Scope of Student and Faculty Academic Freedom.”

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<sup>45</sup> Stanley Fish, "There's No Such Thing as Free Speech, and It's a Good Thing, too," in Paul Berman, ed., *Debating P.C.: The Controversy over Political Correctness on College Campuses* (New York: Dell, 1992).

<sup>46</sup> Stanley Fish, "Controversy at Commencement: Who Needs It?" *The New York Times*, 24 April 2006.

<sup>47</sup> Ronald Dworkin, *Freedom's Law*, 205.

<sup>48</sup> Stanley Fish, "Our Faith in Letting It All Hang Out."

<sup>49</sup> John Stuart Mill, *On Liberty* (Indianapolis: Hackett, 1978), 10.

<sup>50</sup> Thomas Carlyle, *On Heroes, Hero Worship, the Heroic in History* (London: Oxford UP, 1928).

<sup>51</sup> Cited in Carl Dennis, *Poetry as Persuasion*, 14.

<sup>52</sup> Sam Harris, *The End of Faith: Religion, Terror, and the Future of Reason* (New York: W.W. Norton, 2005).

<sup>53</sup> See the entirety of Harris, *The End of Faith*, chapter 3, "In the Shadow of God," for a catalogue of gruesome punishments doled out for transgressions against scriptural commandments.

<sup>54</sup> See John Rawls, *Political Liberalism* (New York: Columbia UP, 1993), Introduction, xvii-xxvii. One of Rawls's primary aims is to distinguish *political* liberalism, which he regards as freestanding, from liberalism as a normative theory that is wedded to metaphysical claims or a conception of the good.

<sup>55</sup> Thomas Nagel, "Moral Conflict and Political Legitimacy," 61.

<sup>56</sup> Ronald Dworkin, *Freedom's Law*, 239.

<sup>57</sup> See Nora Levin, *The Holocaust: The Destruction of European Jewry: 1933-1945* (New York: Schocken, 1973), 392, 396.

<sup>58</sup> See Brian Murphy, "Christian Population Falls in Holy Land." Published and accessed 11 Nov. 2006. Available at <[http://www.breitbart.com/article.php?id=D8LB5EVO0&show\\_article=1](http://www.breitbart.com/article.php?id=D8LB5EVO0&show_article=1)>. Or search <<http://my.att.net>> by author and title.

<sup>59</sup> Thanks to my colleague Stephen Levitt for this analogy with equity court.

<sup>60</sup> See Arthur Ripstein, "Beyond the Harm Principle," *Philosophy and Public Affairs*, Vol. 34, No. 3. (Summer 2006), 215-245. According to the sovereignty principle, *domination* comprises the main category of restrictable act. This allows Ripstein to account for prohibiting the actions of a harmless intruder, which the harm principle seems unable to handle.

<sup>61</sup> The BBC News online: <[http://news.bbc.co.uk/1/hi/uk\\_politics/3871867.stm](http://news.bbc.co.uk/1/hi/uk_politics/3871867.stm)>, 31 Jan. 2006. Accessed 2 Jan. 2007.

<sup>62</sup> Hart, *Law, Liberty, and Morality*, 41-43.

<sup>63</sup> See Rawls, *Political Liberalism*, Lecture IV.

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<sup>64</sup> John Finnis has produced an elegant argument for thinking that no political principle can be completely neutral with regards to the good in his article, "Rights and Equality of Concern and Respect," reprinted in *Morality, Harm, and the Law*, Gerald Dworkin, ed. (Boulder: Westview, 1994), 43-45.

<sup>65</sup> Dworkin, *Morality, Harm, and the Law*, 258.

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**Two Issues, One Rhetoric:**

**Relating Intelligent Design Theory to Christian-Muslim “Discord”**

Over the past several years, the intelligent design/evolutionism debate (the “ID” issue) and a collective national reckoning with Islam as both a religious confession and a political force (the “Islamophobia” issue) have both become significant issues in public discourse in the United States. In my paper, I argue that philosophy can begin to determine a connection between extremist, Islamophobic rhetoric and extremist, pro-ID rhetoric. The connection is that both these forms of extreme rhetoric, while they deal with different issues, tend to corrupt reason and show the darker side of human nature – surely if we suppose that the extreme rhetoric expresses falsehoods, and *even* if we suppose that the extreme rhetoric expresses truth.

**Two Issues, One Rhetoric:  
Relating Intelligent Design Theory to Christian-Muslim “Discord”**

*Daniel Murphy, Saint Peter's College*

**Introduction**

Over the past several years, the intelligent design/evolutionism debate (the “ID” issue) and a collective national reckoning with Islam as both a religious confession and a political force (the “Islamophobia” issue) have both become significant issues in public discourse in the United States. Strong, hostile rhetoric and also more moderate rhetoric have substantially shaped these issues. This rhetoric directly becomes evident when one peruses and considers the many kinds of media and communications conduits with which we engage everyday – from Google searches to Ivy League library shelves, from CNN segments to formal political statements, and from conversations with colleagues to student papers and exams. The frequency with which my own work dealt with these two issues gave rise to a very simple (and hopefully not too simplistic) intuition: there is a connection between these two issues, at least in terms of the extremist rhetoric they both so often employ.

Having this intuition was one thing; determining how to understand it philosophically, without reducing philosophical explanation to primarily political explanation, was another matter. The political explanation consistently tends to generate the familiar opposition between the Christian conservative right and the liberal left, ultimately resulting in the one being demonized and the other valorized, a result which largely depends on one’s politics. While this explanation might very well express significant political views, it appeared to me that it was still lacking in philosophical insight.

The kind of philosophical explanation which seemed to me to be most promising starts by asking a very basic question: *what* is the rhetoric that seems to link the ID issue to the Islamophobia issue? For starters, we can begin with a straightforward, classically-oriented definition: the rhetoric which permeates and envelops both issues is language which articulates a position with conviction, mixing at least the rudiments of logical argumentation, the skills of stylistic persuasion, and sheer attitudinal force in order to convince the audience. As well, this rhetoric comes in at least two actual forms, extreme and moderate, the former of which is the focus of this paper.

### Extremist Rhetoric: Islamophobia

In this section, we shall consider extremist rhetoric with respect to the Islamophobia issue, and in the next section, with respect to the ID issue.

Let us start with two recent, choice examples of Islamophobia:

(1) The Islamists smell weakness in the West and are attacking us on several fronts at once: one, through outright war; two, through immigration; three, through their propaganda disseminated through the liberal media and four, through the liberal courts. Only a devastating military blow against the hearts of Islamic terror coupled with an outright ban on Muslim immigration, laws making the dissemination of enemy propaganda illegal, and the uncoupling of the liberal ACLU can save the United States. I would also make the construction of mosques illegal in America and the speaking of English only in the streets of the United States the law.<sup>1</sup>

(2) When all elected officials take their oaths of office with their hands on the very same book, they all affirm that some unifying value system underlies American civilization. If Keith Ellison is allowed to change that, he will be doing more damage to the unity of America and to the value system that has formed this country than the terrorists of 9-11.<sup>2</sup>

Such examples are present throughout our media outlets; we are all familiar with them, and so there is no need to belabor the issue with further examples here. The first and most important question to ask is whether this extremist, Islamophobic rhetoric actually articulates the truth. If it does, then it seems that we would be correct to endorse it. While such truth might at first seem quite odious, if the truth really *is* contained in this extreme rhetoric, then why not bite the bullet, embrace the veracious beast within, and endorse the rhetoric? Why not, except for certain “moral” reasons which might get in the way? But then, what is the value of moral reasoning that has to defend itself *against* the truth? Philosophy typically does not willfully, seriously elect to choose falsehoods (including falsehoods expressed in elegant, non-toxic language) over truth (even truth expressed in toxic, extreme rhetoric) as the foundational support for moral reasoning.

However, it is also the case that accepting this kind of rhetoric as primarily truthful would be to accept the undermining of fundamental elements of our nation, such as freedom of religion and speech. This acceptance would cast the basic character of our nation quite differently from how we conventionally portray it to ourselves - as a nation of freedom, equality, and human rights. In fact, it would be to reject a significant aspect of the contributions of Thomas Jefferson. Some two

centuries ago, speaking to the issue of religious pluralism and freedom, Thomas Jefferson (a deist) said in reference to the Virginia Act for Religious Freedom:

Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read "a departure from the plan of Jesus Christ, the holy author of our religion" the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo and infidel of every denomination."<sup>3</sup>

If we took the extremist rhetoric to be true, it seems we would have to admit we are really fighting against this Jeffersonian impulse and the idea of religious freedom upon which it is based. To be sure, countless imperfections have marred the body and soul of the United States throughout its history, including of course slavery, the lack of cultural and institutional respect for women's rights, and most recently, the way we have handled the rebuilding of New Orleans in the wake of Katrina. But if given a choice, I think we would tend to take the more inclusive, Jeffersonian portrait as being more true to the truth of ourselves and our nation than the toxically exclusivist portrait painted in the aforementioned rhetoric examples. To put the same point in starker terms: if we accept the premise that extremist Islamophobic rhetoric is truthful, then we would have to accept ourselves as fundamentally bigoted, in a way that violates the Jeffersonian idea of religious freedom.

Let us now turn to the opposite possible premise – that extremist Islamophobic rhetoric is false – and overview the implications which stem from this premise. We can examine these implications through a kind of thought experiment which explores the stance of the extremist rhetorician in a couple of possible scenarios, both in which he realizes the falsity cloaked in his rhetoric.

In the first scenario, we start by assuming that it would be rash to claim that the extremist rhetorician would always be *perfectly* anti-Jeffersonian. We could easily imagine him finding himself accepting the Jeffersonian portrait of America in general from time to time, especially in those moments that this portrait's commitment to the broader idea of individual freedom succeeded in both commanding his attention, and also in leading him to the at least temporary conviction that religious freedom falls under this broader idea. In this scenario, the extremist subsequently might very well come to the stronger, more lasting realization that his rhetoric is misguided and contains and expresses falsehoods rather than truth. Reflecting still further, our extremist might

wholeheartedly, finally accept not only the Jeffersonian idea of freedom in the broader sense, but also the religious freedom that the Jeffersonian idea implies.

But really, would the extremist reform himself so quickly and smoothly? Would he dispose of his extremist rhetoric so easily? I think it would be quite naive simply to assume that all of this would unfold so neatly within the psychological terrain of the extremist. Is there another plausible, perhaps more pessimistic course of events that we could imagine? Indeed, it seems there is, as the following example hopefully illustrates.

Let us first consider seriously what one prominent Islamic scholar in America has strongly suggested – that a substantial number of the most active Muslims in America want to live in America but have consciously wanted to avoid assimilation into the melting pot of America.<sup>4</sup> Now it is of course the case that further political, socio-demographic, and religion-oriented research will do much to help us decide whether to validate or invalidate this nerve-striking claim as we continue to move into the 21<sup>st</sup> century. But in any case, we must note that this strong suggestion does not amount to just any kind of claim. All other things being equal (assuming that active Muslims in America are law-abiding, economically and socially self-reliant residents and citizens who in no clearly measurable way could be considered as a “drain” on American life or a defective element of American life), the point of the claim is to say that it is quite possibly the case that the most active Muslims who live in America do not really want to be considered part of American life in any substantial qualitative sense.

Presented with this anti-assimilation point of view, what would our extremist do? In this second scenario, our extremist would simply point to the Muslim source of the claims (and the extremist needs only one such source), and would swiftly and clearly affirm how opposition to assimilation is deeply “un-American” (in and of itself, a quite arguable affirmation). In this affirmation, our extremist would have successfully manipulated the claim so as to have restored an unmistakable air of “legitimacy” to his extremist rhetoric. In other words, with such ammunition and given a clever-enough playing of the anti-assimilation card (driven by generalized statements such as “look, even the Muslims admit they have no interest in assimilating”) our previously chastened extremist would quite possibly emerge more empowered, enveloped in a bigotry that unfortunately might very well be taken to be more acceptable. Given also the current political climate both internationally and domestically, our extremist’s extremism would definitely survive. Ultimately, in this scenario it would seem that the extremist’s bigotry could easily have been strengthened, becoming more robust and gaining more momentum than we would normally like to admit.

### **Extremist Rhetoric: The ID Issue**

Let us turn to our other topic, the ID issue, and explore extremist rhetoric as it relates to this issue. To begin, let us first note (with the requisite flash of irony) that one main ancestor of current ID theory is creationism, a much more radical, fundamentalist account of the origin of the universe. Somewhat confounding this ironical aspect is the fact that creationism still survives on the periphery of the ID debate. However, as it is a virtual tautology that creationism as a contemporary doctrine generates extremist rhetoric, it is not necessary to examine specific examples of creationist rhetoric here, and so we can narrow our focus to ID theory itself.

Contemporary ID theory is much more moderate in character than creationism, as ID theory's hypothesis of a divine, intelligent designer is usually meant by pro-IDers to be a hypothesis consistent with and/or supported by contemporary science. Upon first considerations, this central ID hypothesis might seem quite acceptable, and so not so apt to be couched in extremist rhetoric.

But here there is a bit more than meets the eye, and with a bit of investigation what we find is a good deal of extremist rhetoric permeating the debate among ID disputants. Stephen Meyer, an advocate of ID theory and one of the founding fathers of the ID movement in the 1990s, said in a 2004 interview that "The Darwinists are bluffing," adding as well that "They have the science of the steam engine era, and it's not keeping up with the biology of the information age."<sup>5</sup> In response to the people of Dover, PA who in the fall of 2005 voted out the school board members who supported ID theory, pro-IDer/evangelist Pat Robertson announced that "I'd like to say to the good citizens of Dover, if there is a disaster in your area, don't turn to God. You just rejected Him from your city..."<sup>6</sup> Another founding father of contemporary ID theory, Michael Behe, declared in an interview that "if you look at biology textbooks, frankly, they act more like cheerleaders for Darwinian theory than they do as critical evaluators of it."<sup>7</sup>

While within the scope of the present paper our focus must remain on extremist, pro-ID rhetoric, to be fair, we can also observe rather extreme versions of anti-ID rhetoric. For example, anti-IDer Richard Dawkins, perhaps the most notable defender of evolutionism, compares the idea of teaching ID theory with teaching flat earthism – perhaps fine in a history class, but not in a science class. He says, "If you give the idea that there are two schools of thought within science – one that says the earth is round and one that says the earth is flat – you are misleading children."<sup>8</sup> A more hostile example of anti-ID rhetoric is put forward by physicist, mathematician, and noted skeptic David Thomas: "The intelligent-design people are trying to mislead people into thinking that the reference to science as an ongoing critical inquiry permits them to teach I.D. crap in the schools."<sup>9</sup>

To be sure, on both sides of the ID debate, the extremist, mutually inflammatory rhetoric revolves around three basic themes: science, the critical evaluation of science, and God. How then does the rhetoric permeating the ID issue relate to the question of the truth status of ID theory? We can treat the premise of falsity in rather short order. If the central hypothesis of ID is false, then pro-ID rhetoric clearly boils down to speech that defends and tries persuasively to present falsity as a kind of truth, a decidedly un-philosophic position.

But if the central hypothesis of ID is true, then it is our contention that it still must be seen as undermining ID theory, in the first place especially in terms of ID theory's professed consistency with science. For if there really is a divine, intelligent designer of the universe, then we have to ask, what exactly *is* the divine intelligent designer at the origin of the universe? Or to put the question more specifically: how could we qualify this designer? Given the strong tendency of pro-IDers to present the hypothesis of an intelligent designer as a hypothesis consistent with contemporary science, it seems that the pro-IDers would have to allow that only science would be able to show anything further of this designer. And this generates two problems, both of which deal with the question of the criterion of knowledge, but which are indeed distinct problems. As we have already suggested, the first problem relates to the possibility of scientific explanation of divine revelation (as principally contained in humanity's sacred texts), and the second problem relates to theology, the discipline which is traditionally dedicated to interpreting these sacred texts.

First, as almost all religious traditions agree that God transcends time, the universe, and human knowledge in at least some fundamentally significant way, it seems that it would be impossible for science (as *a* form of human knowledge, and arguably *the* form) to describe substantially the true identity, essence, and characteristics of the intelligent designer (such as the personality of this designer) in a way that would be significant for religion. It is a virtual commonplace that the scientific way of knowing is fundamentally different from the way revealed religion expresses divinity. That the sacred texts offer so many different accounts of how transcendent divinity also reveals itself in nature and human life and reason is not to be denied, of course, but this does not make the aforementioned impossibility possible. Again, the sacred texts which contain the various accounts of revelation typically also bear the assumption that divinity, in all its mystery, is still a transcendent divinity.

Second, let us imagine a scenario in which we ignore the first problem, and as well decide that theology can examine the effects of the intelligent designer in nature and its immanent presence in the human intellect to the extent that it can go further than negative description (further than "negative theology"). Let us include in this scenario the possibility that theology can legitimately extend itself so far as to provide a positive, rational account of the essential characteristics of the intelligent designer (including the question of the extent to which it can be considered a personal

divinity), and in a way that is truly significant for religion and for believers – and so accomplishes what the first problem identified what was impossible for science.

No doubt, such a theology would have extraordinary explanatory power. But our undeniable interest in this theology is redolent of question-begging, leading us directly to the second problem: namely, which theology (in this imaginary scenario) is it that accomplishes all of this in the most clear and substantial way? Does it turn out to be the theology of Thomas Aquinas or that of Calvin? Or is it the theology of a different religion altogether, like Judaism or Islam – or perhaps even a theology that humanity has not yet been able to devise? Turning to theology inevitably generates the question, “which theology?” This is a question to which the answer is always much more complex than it might seem. Not to mention the fact that a certain point we would have to address the deeper question of the criterion of knowledge by which we would have been able to justify ignoring the first problem (the problem of scientific explanation) in the first place. Already from Descartes through Hegel and many versions of post-Hegelian thought up to the present day, philosophy has grappled with these questions, which, as mentioned above, relate to the very fundamental issue of what the criterion of knowledge is. Do we want to return to this debate? If so, to what extent?

Of course, we cannot pursue a detailed study of these last two questions here, but from studying the extremist rhetoric surrounding the ID debate, the conclusion we can draw is that whether or not the pro-ID rhetoric is true, its rhetorical element promulgates a condition of ignorance. As we observed in the beginning of this section, the ignorance is of the more unwilling variety if ID theory, which sincerely hopes to be true, simply turns out to be false. The ignorance is of the more willed variety (with the willingness embedded within an at least tacit refusal to address the two key problems we have just discussed) if it is true.

### Concluding Remarks

At this point, let us bring together some conclusions regarding both extremist Islamophobic rhetoric and extremist pro-ID rhetoric. To summarize what we found earlier, extremist, Islamophobic rhetoric tends to result in the proliferation of bigotry, no matter if this rhetoric reflects truth or not. As for ID theory, we can draw a conclusion which is mostly analogous, yet which is a bit more ironical: extremist pro-ID rhetoric tends to result in the proliferation of general ignorance, no matter if this brand of rhetoric reflects truth or not. Ultimately, it seems that extremist forms of rhetoric connected with both these issues is doomed to display the unsightly, vainglorious limitations of the extremist rhetorician’s intellect – *even* if that intellect could be said to have laid hold to the basic truth.



To be sure, perhaps this conclusion is itself nothing more than a merely pedestrian truism, wholly accessible by sound common sense. In any case, I hope that my comments so far have formed at least some kind of basic line of philosophical argumentation which is a bit more searching and clarifying than the more base forms of our common sense, the purest form of which nonetheless does remain a trustworthy guide. I hope that my remarks have shed a bit of light on what an initial philosophical reading of these two streams of rhetoric might look like.

But in the end, what really makes these two streams of rhetoric “one rhetoric,” as the title of this paper indicates? To be sure, they are distinct in real life, but from a more conceptual standpoint, we might see that they are equal in that they both work to degenerate the soul, at least as the ancient Greeks would have seen things. Now, the Greeks did not think that either the question of ignorance or the issue of bigotry directly blighted the healthy expression of the spirited part of the soul. For example, if I am fighting for victory and honor in battle, which is good, then my ability to reason abstractly in the heat of combat is not a priority, and my being bigoted against my enemy would no doubt add a bit more force to the thrust of my dagger.

Relating both extremist streams of rhetoric to the question of truth, hopefully it is clear that they most directly affect what the Greeks might have called the “rational” part of the soul. Of course, when this is swayed, unhealthy and immoral actions are more likely to follow.

To be sure, each side of both the Islamophobia issue and the ID issue would claim to represent what our nation stands for most truthfully, and by implication thus represent what is best of modernity. But as I indicated at the beginning, I think political orientation is more likely to be the most decisive voice in adjudicating these multiple claims. So, especially in considering the “rational” part of the soul, from a philosophic point of view we would more accurately cast both streams of extremist rhetoric as an affront particularly to Socrates. Of all things, intellectual bigotry and ignorance amounted to the greatest evil in Socrates’ eyes, while knowledge itself was virtue. Of all philosophers in history, he most dearly and convincingly held to this concept, which famously drove him both toward a grasping of the good itself and against his fellow Athenians, resulting in his death sentence and execution.

Of course, there is a good deal more to say on this, but as I come to conclusion here, I would just like to make a few remarks about the moderate rhetoric in which both the Islamophobia issue and the ID-issue are often cloaked. In examining many examples of the more moderate rhetoric of both of these issues, I find that they both strongly tend toward the attitude and language of tolerance. Thus while the extremist rhetoric might be characterized as being more directly and deeply offensive to Socrates, we might say that the moderate rhetoric would be quite acceptable to Locke, Jefferson, Kant, and other great thinkers of modernity. Of course, the question then turns to the limitations of tolerance, but this introduces another issue, to be grappled with at another time.

## Notes

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<sup>1</sup> Michael Savage, *The Savage Nation*, Talk Radio Network, 27 Nov. 2006, accessed 15 Dec. 2006, <http://mediamatters.org/items/200611290005>.

<sup>2</sup> Dennis Prager, "America, Not Keith Ellison, Decides What Network, 27 Nov. 2006, accessed 15 Dec. 2006, <http://mediamatters.org/items/200611290005>. Book A Congressman Takes His Oath On," <http://www.townhall.com/columnists>, 28 Nov. 2006, accessed 4 Dec. 2006. In this quotation, Dennis Prager comments on Minnesota Democrat Keith Ellison's choice to use the Quran, rather than the Bible, during his ceremonial oath re-enactment. Ellison was the first Muslim elected to Congress.

<sup>3</sup> Paul Leicester Ford, ed., *The Works of Thomas Jefferson*, Vol. 1 (New York and London: G.P. Putnam's Sons, 1904-5), 71.

<sup>4</sup> M. A. Muqtedar Khan, "American Muslims and the Rediscovery of America's Sacred Ground," *Taking Religious Pluralism Seriously: Spiritual Politics on America's Sacred Ground*, ed. Barbara A. McGraw and Jo Renee Formicola (Waco, TX: Baylor UP, 2005), 127-147.

<sup>5</sup> Evan Ratliff, "The Crusade Against Evolution," *Wired*, 1 Oct. 2004, accessed 12 Aug. 2005, [http://www.wired.com/wired/archive/12.10/evolution\\_pr.html](http://www.wired.com/wired/archive/12.10/evolution_pr.html).

<sup>6</sup> Richard Dawkins, *The God Delusion* (Boston and New York: Mariner Books, 2008), 271.

<sup>7</sup> Michael Behe, Interview with Alice Chasan, *Beliefnet*, 11 Jan. 2007 [http://www.beliefnet.com/story/181/story\\_18157\\_2.html](http://www.beliefnet.com/story/181/story_18157_2.html).

<sup>8</sup> Claudia Wallis, "The Evolution Wars," *Time*, 7 Aug. 2005, accessed 2 Sept. 2006, <http://www.time.com/time/magazine/article/0,9171,1090909-5,00.html>.

<sup>9</sup> Wallis, "The Evolution Wars."

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**On the Cusp of Europe's Enlightenment:  
Christian Wolff and the Argument for Academic Freedom**

Shortly after he was banished for heresy from his nation-state of Prussia in 1723, Christian Wolff (a predecessor of Kant) published an overview of his philosophical system, known in English as the *Preliminary Discourse* [1728]. In the last chapter of this work, Wolff gives an extended argument for the importance and necessity of academic freedom. In the paper, I reconstruct and evaluate Wolff's argument and maintain that the strength of Wolff's view resides in his naïve optimism for intellectual discourse.

## **On the Cusp of Europe's Enlightenment: Christian Wolff and the Argument for Academic Freedom**

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### **Introduction**

Christian Wolff is often identified by historians of philosophy as a minor figure who links the philosophical systems of Leibniz and Kant. He is typically recognized for systematizing the views of Leibniz from scattered papers and letters and for transforming metaphysics in Germany into a formal academic discipline. His theoretical philosophy, although praised by Kant for its order, clarity and strictness in proof, is judged in hindsight to be wrought with difficulty. A familiar complaint is that Wolff is preoccupied with conforming his philosophical ideas to a mathematical method and the result is an artificial system of dogmatic rationalism. Wolff's philosophical contributions are often described as both marginal and unoriginal.

What is perhaps remarkable about this historical assessment of Wolff is how sharply it contrasts with the image and reputation that Wolff procured for himself during his own lifetime. His professional accomplishments, even by today's standards, are truly remarkable. Internationally recognized, Wolff gained membership into all four major European scientific academies and his writings were widely translated into different languages during his life. He survived political persecution from a narrow-minded dictator (Prussia's Frederick William I); and while living in exile for roughly two decades, Wolff became a symbolic leader for Europe's intellectual community. Much of Wolff's later writings in ethics and practical philosophy explore the very themes that have come to define Europe's Enlightenment, such as religious tolerance, freedom of speech, the independence of ethics from theology, and the idea that there is progress in human history. Part of my focus in the present paper is to recast the philosophical image of Christian Wolff. Rather than seen as an eclectic metaphysician, or mere linchpin between Leibniz and Kant, Wolff's most lasting contribution might best be seen in shaping the goals of Europe's Enlightenment.

My primary focus will be to reconstruct and evaluate Wolff's argument for academic freedom as it is presented in Chapter 6 of his *Preliminary Discourse* (1728).<sup>1</sup> This work appeared shortly after Wolff was banished for heresy and it captures well his attitude of naïve optimism for intellectual discourse. During his lifetime, the social and political institutions of Europe were undergoing radical transformation. As I hope to show, Wolff's philosophical agenda as well as the

values he embraced for academic freedom should really be seen as a response to the uncertainty caused by shifting intellectual foundations.

Wolff's argument for what he calls the "freedom to philosophize" in Chapter 6 of the *Preliminary Discourse* is grounded in two central claims. The first is that intellectual freedom is necessary for the discovery and guarantee of truth (§ 154). He argues that given there is an innate human desire to strive for and attain perfection, evidenced by our desire for knowledge, it is necessary that people are able to discuss and debate ideas and information. Wolff believes that both the fallibility of the human intellect and the incremental nature of scientific knowledge demand policies of tolerance and free speech. He maintains further that only the dictates of a "proper philosophical method" have the authority to censure a person's research, not the Church or State. Wolff's second claim for advocating academic freedom is based in the observed utility that tolerance has had for the advancement of science. After discussing such episodes as Galileo's censure by the Catholic Church and the controversy between Leibniz and Newton over the discovery and invention of calculus, Wolff maintains that an atmosphere of openness and fair debate are necessary for the progress of human science. Here, Wolff essentially argues from the idea of historical human progress, and the likelihood that societal benefits will emerge from scientific advance, to the idea of free speech.

While Wolff's argument is provocative and in many ways anticipates the type of defense for free speech that we find later in both Kant and Mill, it is subject to some serious philosophical objections. In what follows, after setting up the historical and intellectual context of Wolff's argument, I will consider two objections that can be raised against him. The first calls into question what justification Wolff has for identifying the discovery and guarantee of truth as a reason for defending a policy of tolerance. The second objection, in turn, raises doubts about the purported connection between scientific discovery and societal benefit. In the concluding section of the paper, I will make some effort to answer these objections while indicating what I think is philosophically plausible about Wolff's naïve optimism.

### **Some Historical Background**

While historians of intellectual history often debate the precise beginning of the Enlightenment, and even dispute its propagation and impact in various territories, there is little disagreement about the type cultural forces that precipitated Europe's great change.<sup>2</sup> At the start of the eighteenth century, the religious, scientific, and political institutions of Europe were undergoing radical transformation. The Christian Reformation had simmered to a relative quiet, the 'new science' of Galileo, Descartes, and Newton was steadily gaining acceptance, and there was a growing

economic middle class taking hold. And although it was clear that the old authorities were leaving their positions of power, there was genuine uncertainty about how the world would look once the newfound replacements came on board. In this climate of anticipation and uncertainty, intellectual discovery was met with both optimism and nervous suspicion.

Nowhere was the anxiety of cultural transformation more evident than in the Prussian court of Frederick William I. Known as the “Soldier King,” Frederick William’s authoritarian reign lasted from 1713 to 1740. His actions, both public and private, have been described in hindsight as single-minded, insensitive, severe and even brutal.<sup>3</sup> Preoccupied with securing the forces of a strong military, he rescinded many of the programs of scientific research commissioned by his father and predecessor, Frederick I. He cut funding and support for the Prussian Academy Sciences as well as the Berlin Observatory; and he directed much of his regal power to enacting a government-controlled economy. Unlike his father’s court, where diplomatic and administrative posts were decided on merit, Frederick William appointed personal friends and allies. It is also reported that he was particularly harsh when his dealing with his heir, Frederick II (or Frederick the Great). There are numerous reports, for example, that Frederick William reacted violently to the suspicion of his son’s homosexuality.<sup>4</sup> In one alleged incident, Frederick William had his son and his son’s close friend arrested on charges of desertion, after it was learned the two were planning an escape to England. As punishment, he ordered his son’s friend executed and then displayed the corpse outside his son’s residence.<sup>5</sup> While undoubtedly brutal and disgusting, these actions typify in many ways the temperament of Prussia’s “Soldier King.”

The events leading to Wolff’s heresy arrest and subsequent banishment track closely with his professional accomplishments.<sup>6</sup> By the time he concluded his post as Rector of the University at Halle in 1721, Wolff had worked out the precepts of an entire system of philosophy, which included logic, metaphysics, ethics, politics, physics, and (the source of his controversy) theology. Although initially hired as a professor of mathematics and natural philosophy, Wolff’s research extended into areas traditionally reserved for members of the theological faculty. At Halle, this department was populated by Pietists and they offered tireless resistance to Wolff’s rationalistic approach to morality and religion.<sup>7</sup> During this era, Pietism in Germany represented an extreme form of Christian fundamentalism. Emphasizing a life of simplicity and an inward turn to a quiet Christian character, Pietists often reacted with suspicion to the cultural changes of the Enlightenment. Their ideological rivals in the region were the Calvinists. And although the Calvinists had gained some influence in other regions of Prussia, Halle remained a Pietist stronghold.<sup>8</sup> Hence when Halle’s theological faculty realized many of Wolff’s philosophical views were consistent with a doctrine of predestination, a central tenet of Calvinist theology, Wolff was recognized as a threat.

The formal indictment of heresy brought against Wolff by the Pietists was perhaps motivated more by fear of losing ground to the Calvinists than it was from anything explicitly articulated in Wolff's writings. Although officially branded a Fatalist, Wolff technically was not. In his philosophy of mind, what he labels the discipline of "Psychology," he essentially defends a compatibilist view of human agency. Only tentatively, for example, does Wolff accept the Leibnizian doctrine of pre-established harmony, citing it merely as the "best hypothesis" to explain mind-body interaction.<sup>9</sup> Nevertheless, as Pietists insiders of the Frederick William's court explained to the king that Wolff's theory of human action implicitly denied culpability for army deserters, the king called for Wolff's immediate removal. On November 8, 1723, Wolff was charged with heresy and ordered to leave Halle within 24 hours and the Prussian territory with 48 hours.

### **Wolffian Psychology**

Since Wolff's theory of human action is ultimately important for understanding his argument for academic freedom, I will now briefly highlight some of its main features.<sup>10</sup> According to Wolff, the human mind/soul is a simple substance that exhibits the power to represent the world. Humans represent the world (i.e., have thoughts about) particular objects of possible existence. The power of thought is conceived by Wolff as a type of continuous striving for epistemic and moral perfection. Humans have the innate disposition to strive for perfection and this, Wolff believes, is evidenced by our desire for knowledge and certainty. Each human thought is individuated by its propositional content and each is marked by varying degrees of clarity and distinctness.<sup>11</sup> A thought or object is clear, according to Wolff, if it is easily identified or picked out from what it is not. Likewise, a thought or object is distinct if its characteristics can be isolated when describing it to oneself or another. Thus the representation of something red is clear, insofar as it is not green; however, it is indistinct, because it is difficult, at least by visual inspection, to isolate its properties that help individuate it from other colors.<sup>12</sup>

The measures of clarity and distinctness play a particularly important role in the attainment of epistemic and moral perfection. Here, I will first describe Wolff's case for knowledge and then I will turn to his analysis of moral action (both, as we shall see, are closely related given Wolff's predilection for Stoicism). Humans have the capacity for veridical perception and true beliefs about the world, even though raw experience is adulterated by deficiencies in our senses. For Wolff, "the world" is broadly defined as a compossible set of actual and possible objects. Through the attentive application of reason, experience of the world can be rarefied into beliefs and judgments that accurately represent the way things are. In fact, philosophical analysis is the process by which humans are able to bring into greater clarity and distinctness thoughts about how the world is (and



how the world can be). Wolff is both optimistic and confident that if we start out with accurate definitions of things, and apply true principles, we can deduce an entire system of human knowledge. According to Wolff, comprehensive scientific knowledge allows humans to not only know what *is* the case, but it allows us to see the connection (or nexus) of inter-related truths. The primary role of reason, therefore, is to clarify and make distinct the realm of possible ideas and objects. When presented side by side in logical space, it is ultimately “the force of truth” that compels us to see the facts of reality as they really are.

Wolff’s analysis of moral action is similar to what he describes for knowledge; however the story is a bit more complicated insofar it involves elements of the appetitive faculty, such as “pleasure,” “pain,” and “sensuous desire.” For Wolff, the primary task of “practical philosophy” is to specify the procedures by which humans can control their motives when choosing good over evil.<sup>13</sup> And as we might expect, just as in the earlier case of knowledge, the measures of clarity and distinctness figure prominently. The clearer and more distinct our thoughts are, the more we become in line with realizing our inherent striving for moral perfection. Wolff believes, in particular, that as we approximate true moral perfection in our actions, the consequence is felt in the production of pleasure. This “felt pleasure” is both internal to the moral agent as well as external in the lives of others.<sup>14</sup> Yet insofar as our actions on occasion tend toward imperfection, the consequence is both internal and external pain. Hence, since we have adequate faculties to clearly discern pleasure from pain, we also possess the ability to discern good from evil. The problem, however, and the central task of ethics according to Wolff, is the need to clarify our often indistinct representations of perfection. For example, when our thoughts for deliberate action are left indistinct, they may give rise to sensuous desire. And while not always a bad thing, for example, when thirsty we seek a glass of water, the affects of unchecked passion can sometimes lead to short term internal pleasure that is later accompanied by long term external pain. In a passage from his *German Ethics*, Wolff conveys this idea by utilizing a reference to slavery. He writes: “We are slaves if we allow conscience to be determined by the indistinct perceptions constituting sensory pleasures and pains, free if clear and distinct perception guide us” (§ 81).

One clear upshot of Wolff’s analysis of moral action is how moral virtue, or the moral conduct of one’s life, remains wholly independent from religion. For Wolff, it is the authority of reason, not acceptance of a pious Christian faith, which clarifies the proper motives for action. In fact, moral aptitude only really hinges on the ability to clarify available courses of action and anticipate their likely consequences. Wolff’s most pronounced statement of this claim came in a paper “On the Practical Philosophy of the Chinese” that was read as a formal address to the University of Halle in 1721.<sup>15</sup> In the paper, Wolff argued that moral standards and human happiness do not depend on revelation, and therefore Chinese society could be considered moral even though

it was not Christian. The address given by Wolff marked the official end of his service as Rector to the University. His replacement, Joachim Lange, was a Pietist theology professor, and not surprisingly, he was deeply troubled by what Wolff had to say. For the theological faculty at Halle, divorcing ethics from religion, was tantamount to undermining a central pillar of Pietist ideology. If Wolff was looking for a fight, he certainly knew the right buttons to push and when to push them. Far from remaining completely innocent, Wolff's banishment was really the culmination of a two year skirmish with Lange that included mutual threats, acts of retaliation, and, in the end, formal charges of heresy.<sup>16</sup> Had Lange not possessed the political connections he did, or had the Prussian Monarch's approach to punishment been less severe, Wolff's disagreement with the Pietists would almost certainly be remembered completely different.

### The Argument for Academic Freedom

Classic philosophical discussions on free speech typically focus on two issues: (1) "what counts as free speech," and (2) "how far should a policy of tolerance extend to what-is-said?" Closely connected to this set of concerns is a further issue of how exactly academic freedom and free speech are themselves related.<sup>17</sup> Is, for example, freedom of speech a necessary condition for academic freedom? Or perhaps, is academic freedom something much more narrow and restricted than free speech given the goals of education or the commitments academic institutions often have for community outreach and social welfare? Since I am ultimately presenting Wolff's argument as an argument for academic freedom, and at the same time, the language of Wolff's argument is often very general, indicating perhaps something much broader, I should preface my discussion here with an account of how I think these issues hang together for Wolff. I maintain, in particular, that given what "philosophy" and "philosophical analysis" mean for Wolff, the question of free speech and the question of academic freedom are essentially identical for him. As it turns out, Wolff has very strict conditions for what counts as a proper method for intellectual discourse. The "freedom" that he advocates, as I will explain, is essentially the "freedom to present arguments" (i.e., a self contained and internally consistent program of research). Therefore, insofar as Wolff voices a concern for free speech, we should not interpret him as advocating a policy of tolerance that applies across the board to all forms of expression. Contemporary discussions on the permissibility of pornography, hate speech, and satirical political cartoons, for example, are undoubtedly well beyond Wolff's focus.

In Wolff's own terminology, the argument he presents in Chapter 6 of the *Preliminary Discourse* is for "the freedom to philosophize" or, as he also says, "the permission to state publicly one's own opinion on philosophical issues" (§ 151). For Wolff, philosophy is the foundational science in all of human science. It is the most basic discipline of inquiry insofar as it is concerned

with the reason for why things are and why things come to be. Philosophical analysis, in turn, is simply the practice of providing complete causal explanations for why and how things come into existence. Wolff is a Rationalist, insofar as he believes all of science is connected through a discoverable set of facts; and yet he is also a Scientific Determinist, insofar as he believes every event/fact is both predictable and provable from the right set of assumptions. For our purposes, and ignoring the obvious difficulty that the “problem of induction” presents for him, a primary concern is what he has to say about “the proper philosophical method.” His argument for academic freedom, as we shall soon see, is predicated on the idea that legitimate intellectual discovery requires a strict procedure of proper inference and rigorous argument. Wolff maintains, in particular, that *only if* a proper philosophical method is followed, can the conditions for truth in a program of research be guaranteed (§ 151).

In § 135 of the *Preliminary Discourse*, Wolff gives a concise description of the logical and psychological requirements that comprise his philosophical method. He writes:

For he who treats philosophy according to its method must accurately define all the terms which he uses. He must also sufficiently prove his principles, and must legitimately deduce propositions from them. He must accurately determine both the subject and the predicate of every proposition. He must order all things so that those things come first through which later things are understood and established. He must arrange the individual propositions of his demonstration in the same order in which they enter the mind of him who conceives the demonstration. He must use only those propositions which the reader, who is acquainted with what has preceded, can remember in order to complete the proof.

The underlying idea in the above passage, and that which unifies Wolff’s concept of a “proper method,” is that there are precise expositional requirements that need to be followed if a program of research is to be deemed legitimate. For Wolff, intellectual discourse must be internally consistent, self-contained, and follow a precise procedure of argumentation. Definitions, principles and even the arrangement of a presentation all matter when judging the intellectual fitness of an academic’s ideas. If there are noticeable gaps in logic, or if it is unclear how one idea follows to the next, then what is offered as academic research will simply be discounted. Moreover, on Wolff’s assessment, not just anything will pass as academic research. Artistic performance and expressive acts, for example, will not count as protected speech because they are not constrained by precise standards of logical inference. Although certainly restrictive, and even short-sighted given the scope of contemporary intellectual discourse, Wolff’s demand for a proper method is perhaps best regarded

as a demand for competency within intellectual discourse. As I will explain further in the next section, a “competency requirement,” is actually a defining component of Wolff’s naïve optimism.

Wolff’s defense for the freedom to philosophize, recall, is grounded in two central claims. The reason why I choose to describe Wolff’s defense as consisting in two claims, rather than two separate arguments, has to do with how Wolff (himself) thinks the two claims of his argument fit together. That is to say, for Wolff, considerations about truth and proper method, on one hand, and considerations about scientific progress and societal benefit, on the other hand, turn out to be intricately connected. Human reason, Wolff believes, operates in both a public and private realm.<sup>18</sup> If private reason (i.e., a person’s intellectual faculty) is constrained to the dictates of a proper philosophical method, then the product of one’s reason is both germane for public attention and has the potential to produce future societal benefits.<sup>19</sup> And likewise, since scientific thought is advanced incrementally through public discourse and debate, if there are clear and steady gains in scientific knowledge, credit falls back, so-to-speak, to the very method that gave rise to the particular intellectual insight.

Wolff’s first claim for academic freedom, what I label the “Defense from Truth,” is stated succinctly in two separate paragraphs (§ 154 & § 166). Here, Wolff identifies the “force of truth” as the preeminent concern for protecting the freedom to state one’s opinion. Proceeding by analogy from his analysis of human action, Wolff believes that the free production of philosophical opinion is necessary for the public’s discovery of the truth. To use an expression that is slightly anachronistic, but not completely out of character for Wolff, it is the uncensored contributions to a “market place of ideas” that allows truth to win out in the ongoing competition between valuable and worthless information.<sup>20</sup> That is to say, just as the role of reason in the private realm is to refine the clarity and distinctness of ideas for the attainment of knowledge, the freedom to philosophize spawns in the public realm incremental progress in human science. If the information available for public consumption is the result of a proper philosophical method, Wolff argues, then such information is clarified and made more distinct for the practitioners of science to interpret and utilize in a collective ongoing effort (§ 170).

Wolff’s second claim in his argument for academic freedom, what I call the “Defense from Utility,” is developed by Wolff over a larger portion of his text. The central idea here is that academic freedom and international policies of tolerance have historically, at least in Wolff’s estimation, afforded genuine scientific advance. Furthermore, Wolff believes, since scientific advance leads inevitably to societal benefits, the claim for academic freedom is indirectly justified by pointing to those occasions in the history of science where advancement is conditioned by policies of tolerance and responsible debate. In Wolff’s discussion, the premier example to point out is how celestial mechanics was transformed over time from Copernicus, to Kepler, to Galileo, to Newton.

And although the local circumstances were not always ideal for these purveyors of modern astronomy, particularly, Wolff believes, in Galileo's case, the fact that truth was able to win out in the end is a testament to the power and promise of academic freedom. Had Newton not the benefit of those monumental discoveries that came before him, Wolff believes the progress and breakthrough discoveries of Newton would have most certainly been delayed. Undoubtedly, one of the more insightful perspectives we gain from Wolff in his argument for academic freedom is his observations on the developments and controversies in the history of science. Wolff's enthusiasm for Newtonian physics, for example, was unshared by Leibniz and really comes before any real results. Arguably, it was not until Leonard Euler was able to mathematically quantify Newton's three laws of motion in 1748 that Newtonian mechanics began to produce solutions to practical problems.<sup>21</sup> Therefore, insofar as Wolff sees the promise of the Newtonian World View in a manner that is consistent with its actual development is certainly noteworthy.

Consider now two philosophical objections that can be levied against Wolff's argument. The first calls into question the precise connection between a proper philosophical method and the conditions for guaranteed truth. In fact, identifying truth and the authority of a "proper philosophical method" as justifications for intellectual freedom, it might be said, is to trade simply one tyranny for another. That is to say, although Wolff is not appealing to any formal institution within society, such as the Church or State, his argument nonetheless crucially depends on the authority of reason. Who, after all, is responsible for assessing the proper execution of Wolff's philosophical method, the philosopher? And if so, why isn't her claim to authority just as suspect as any other political appointment? After all, the objection continues, freedom of expression should embrace a plurality of voices and perspectives. Intellectual oppression is more likely to result from the overblown expectations of a method that strives to preserve truth, rather than one that is simply indifferent to it. In the end, we might ask, why isn't Wolff's demand for preserving and advancing truth, simply a disguised way of advancing and promoting his own narrowly conceived philosophical method?

A second objection that can be raised against Wolff's argument for academic freedom resides in questioning the expected utility of adopting a strict policy of tolerance. Although hate speech and other forms of demeaning media certainly do not qualify as intellectual expression, given Wolff's strict conditions on method, there is a real question of why free intellectual expression need always lead to socially positive results. It is neither necessary nor obvious, for example, that progress in science will lead to a better world. Research on biological weapons, technology that leads to the destruction of the natural environment and, more recently, genetic modification of food sources all pose serious threats to the continued existence of the human race. Since these programs of research are undoubtedly carried out under the banner of science, and depend crucially on incremental

technological advance, how can Wolff reasonably defend a policy of academic freedom by citing inevitable expected utility?

### **Naïve Optimism and Intellectual Accountability**

The partial defense that I would like to present in this concluding section for Wolff's argument requires looking past some of the more stilted elements of his philosophical view. It is true that Wolff was wrong about a lot of things; but I maintain, he was wrong about a lot of things in a lot of interesting sort of ways. Both the "Defense from Truth" and the "Defense from Utility" are predicated on the idea that human beings are progressing toward something better (a classic theme of the Enlightenment). Kant would later label this idea "progress toward a universal natural history" and it is certainly familiar to us in our own day and age. In Wolffian metaphysics, humanity (as a collective soul) is in a continuous state of striving for perfection. It is remarkable, I think, that Wolff held and developed this view of the human race amidst personal persecution and while living in a society that faced genocidal war, famine and plague. In this light, I argue in this concluding section that the single most redeeming quality of Wolff's view on the nature of intellectual discourse is his naïve optimism. At a time when the intellectual foundations of Europe were undergoing radical and uncertain change, Wolff remained steadfast and confident about the value and promise of human knowledge.

There are two constitutive conditions to the notion of naïve optimism (as I develop it here) that are important to note.<sup>22</sup> The first is what I call a "competency requirement" and second is the "benevolence condition." In the broadest of terms, the speaker of intellectual discourse adopts an attitude of naïve optimism if the content of her message is both competent and benevolent. Speech is competent, we might say, if and only if it retains its meaning within its intended linguistic context; and likewise, speech is benevolent if and only if its content is not intended to disrespect or cause undue harm to others. The competency requirement and benevolence condition are presented here as formal conditions that help elucidate the forms of intellectual expression that qualify for protection. In Wolff's argument for academic freedom, the competency requirement is simply reflected in the numerous things he has to say about the proper philosophical method. And likewise, his endorsement of the benevolence condition follows tacitly from his metaphysical assumptions about the human soul and the belief that all humans have an inherent desire to pursue and attain moral perfection.

Recall now the objection offered in the previous section against Wolff's "Defense from Truth." The worry again is that Wolff offers no independent justification for why truth and method should be tied so tightly together, and further, why reason should be valued above and beyond any

other authority. Wolff's demand for truth, therefore, appears to be either a disguised way to advance his philosophical method or it rests on a dogmatic preference for truth as the ultimate and final authority. In Wolff's defense, however, it is perhaps important to remember the vital distinction he makes between the public and private uses of reason. In its private use, for example, reason is the faculty that refines ideas into clearer and more distinct units of thought. Here method is a preeminent concern because it is really the only way in which we as humans can methodically and predictably discover facts about the world. However, reason in a public capacity forms a completely different relationship with truth. That is to say, in the public sphere truth is not a means to some end; but rather for Wolff, it is the force by which we and the public chose correctly our motives for action. Hence, if we can take Wolff's argument for academic freedom on its own, separate from Wolffian metaphysics, and perhaps separate from a correspondence theory of truth, it need not exclude academic pluralism. Strictly speaking, information that is deemed acceptable for continued academic research in the public realm need only pass the competency requirement and benevolence condition of the individual researcher.

The objection to the "Defense from Utility," recall, is based on the idea that science does not always lead to socially positive results. Here, I think Wolff has two basic options in presenting a reply, and one is better than the other. The first is to concede the objection in the short term, and simply deny it for the long term. This is a standard type of defense for a Consequentialist when trying to mediate concerns about anticipating consequences, and for the most part, it is not all that philosophically interesting. However, the second reply to the second objection appears more promising and, at the same time, it underscores what is plausible about Wolff's naïve optimism. The reply to the objection on the proposed utility of academic freedom which involves socially destructive elements is that we have not yet been in an academically free environment. If we were, a naïve optimist would argue, research on biological weapons and the creation of environmentally harmful technologies would be anticipated or caught early enough for their exclusion. It is only because the ideas of western science are propagated in a quasi-free environment, for example, constrained by oppressive forces of capitalism, racism, sexism, and xenophobia, that the social good is prevented from taking hold. A Naïve Optimist is going to see any set back as temporary and is going to recognize that there is a human process in realizing worldly moral perfection. And although it may appear through our confused and indistinct perception of the world that human history isn't tending toward the best, it is important to remember that it really is (however slow the process may be).

Now the Naïve Optimist certainly doesn't want to over emphasize the point about inevitable human progress. After all, policies of intolerance and censorship could just as easily be justified by citing inevitable human progress. To state this objection a bit more precisely: since every course of

action leads by necessity to the best, there is no worry about ever committing an error. The point of reply, however, is not to overstate the determinism of a Naïve Optimist. Recall Wolff is no Fatalist, despite accusations to the contrary. Both Wolff and the Naïve Optimist will argue, for example, that the rate and quality of change in the world are things fully within our control as evolving human beings. Return for a moment to Wolff's image of the striving soul of humanity. Freedom of information will result in a greater good for people living now and, if a true policy of tolerance is embraced, solutions to real world problems will emerge at a faster rate and in more meaningful ways.

In conclusion, the contribution of Christian Wolff for understanding and defending academic freedom is certainly not grounded in his antiquated theory of human agency or the rigid conditions he stipulates for a proper philosophical method. Here, Wolff simply misses the mark. The more we delve into his thought, the more we realize how wrong he was in all sorts of interesting ways. However, admiration for his ideas does emerge when we set his thought against the backdrop of his own historical and intellectual context. The strength of Wolff's view comes in his belief that truth will win out in a climate of intellectual uncertainty. If the speaker is competent and her intentions are benevolent, then "what is said" has the chance to make a contribution in the ongoing evolution of human thought.

### Notes

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<sup>1</sup> References to Wolff's *Preliminary Discourse* throughout this paper will be to the numbered paragraphs of Richard Blackwell's translation: Christian Wolff, *Preliminary Discourse on Philosophy in General* (Indianapolis: Bobbs-Merrill Company Inc., 1963).

<sup>2</sup> For a typical discussion of this debate see Ernst Cassirer, *The Philosophy of the Enlightenment* (Princeton: Princeton UP, 1951), 3; and J. I. Israel, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650-1750* (New York: Oxford UP, 2001), 5.

<sup>3</sup> Lewis White Beck suggests that given the anti-intellectual climate during Frederick William I's reign, the Enlightenment pervading Europe at the start of the eighteenth century was essentially postponed in Germany until the death of Prussia's "Soldier King." See Lewis White Beck, *Early German Philosophy: Kant and His Predecessors* (Cambridge: Harvard UP, 1969), 244 & 314.

<sup>4</sup> For examples, see Christopher Clark, *Iron Kingdom: The Rise and Downfall of Prussia 1600-1947* (New York: Cambridge UP, 2006), 187ff; and W.H. Nelson, *The Soldier Kings: The House of Hohenzollern* (New York: G.P. Putnam's Son's, 1970), 119-131.

<sup>5</sup> See Robert Ergang, *The Potsdam Führer: Frederick William I, Father of Prussian Militarism* (New York: Columbia UP, 1941), 212-238.



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<sup>6</sup> For more discussion of this episode, see Beck, *Early German Philosophy*, 257-259; Irving Polonoff, *Force, Cosmos, Monads and Other Themes of Kant's Early Thought* (Bonn: Herbert Grundmann, 1973), 70-72; Thomas Saine, "Who's Afraid of Christian Wolff?" in *Anticipations of the Enlightenment*, edited by A.C. Kors and P. Korshin (Philadelphia, U of Pennsylvania P 1987), 102-33; Eric Watkins, "The Development of Physical Influx in Early Eighteenth-Century Germany: Gottsched, Knutzen, and Crusius," *Review of Metaphysics* 49 (1995): 298-300; and Catherine Wilson, "The Reception of Leibniz in the Eighteenth Century," in *The Cambridge Companion to Leibniz*, edited by Nicholas Jolley (New York: Cambridge UP, 1995), 442-494.

<sup>7</sup> For discussion of the controversy between Wolff and the Pietists, see Manfred Kuehn, *Kant: A Biography* (Cambridge: Cambridge UP, 2001), 20-40; J. B. Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* (New York: Cambridge UP, 1998), 442-444; and Wolfgang Drechsler, "Christian Wolff (1679-1754) A Biographical Essay," in *Christian Wolff and Law & Economics: The Heilbronn Symposium*, edited by Jürgen Backhaus (New York: Georg Olms Verlag, 1998), 112-113.

<sup>8</sup> See Richard L. Gawthrop, *Pietism and the Making of Eighteenth-Century Prussia* (New York: Cambridge UP, 1993), 176-199.

<sup>9</sup> For discussion of Wolff's acceptance of Pre-established Harmony, see Watkins, "The Development of Physical Influx in Early Eighteenth-Century Germany"; and Donald Rutherford, "Idealism Declined: Leibniz and Christian Wolff," in *Leibniz and His Correspondents*, edited by Paul Lodge (New York: Cambridge UP, 2004), 214-237.

<sup>10</sup> A concise presentation of Wolff's philosophy of mind can be found in his *Vernünfftige Gedanken von Gott, der Welt und der Seele des Menschen, auch allen Dingen überhaupt* [*Rational Thoughts on God, the World, and the Soul of Man, and on All Things Whatsoever*] (Halle, 1719). This work is referred to in English as Wolff's *German Metaphysics*.

<sup>11</sup> For Wolff's definitions of clear and distinct see § 13, Chapter 1, of his *German Logic* or *Vernünfftige Gedanken von den Kräften des menschlichen Verstandes und ihrem richtigen Gebrauch in der Erkenntnis der Wahrheit* [*Rational Thoughts on the Powers of the Human Understanding and their Correct Employment in the Cognition of the Truth*] (Halle 1712). For further discussion of Wolff's philosophy of mind, see Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy*, 431-444.

<sup>12</sup> See Wolff's *German Metaphysics* § 245.

<sup>13</sup> See Wolff's *Preliminary Discourse* § 62.

<sup>14</sup> See, in particular, Wolff's *German Ethics* or *Vernünfftige Gedanken von der Menschen Thun und Lassen zur Beförderung ihrer Glückseligkeit* [*Rational Thoughts on Man's Acts of Commission and Omission, with a View to Advancing His Happiness*] (Halle: 1720). For selected passages of this work, translated into English,

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see J.B. Schneewind, *Moral Philosophy from Montaigne to Kant* (New York: Cambridge UP, 2003), 333-348.

<sup>15</sup> For discussion of this work, see Beck, *Early German Philosophy*, 258-259, and for an English translation of this work, see Julia Ching and Willard G. Oxtoby, *Moral Enlightenment: Leibniz and Wolff on China* (Nettelal: Steyler Verlag, 1992), 145-186.

<sup>16</sup> For a brief and helpful discussion of the skirmish between Wolff and Lange, see Drechsler, "Christian Wolff (1679-1754): *A Biographical Essay*," 112-113.

<sup>17</sup> For contemporary discussions on academic freedom and its relation to the broader issue of free speech, see E. Gerstmann and M. J. Streb, *Academic Freedom at the Dawn of a New Century: How Terrorism, Governments, and Culture Wars Impact Free Speech* (Stanford, CA: Stanford UP, 2006), especially 3-40.

<sup>18</sup> The distinction between public and private reason is made explicit in the latter sections of Chapter 6 in the *Preliminary Discourse* (§§ 168-170).

<sup>19</sup> Wolff, for example, is very careful to explain why true conclusions obtained from a "proper philosophical method" will not conflict with religion, morality or public life (§§ 163, 164, 165).

<sup>20</sup> Wolff is sometimes compared to Adam Smith on the areas of international law and free trade, so in many ways, the metaphor of a "market place of ideas" is really not all that out of place given Wolff's broader philosophical outlook. For a brief discussion of Wolff's theory of economics, see Peter R. Senn, "What is the Place of Christian Wolff in the History of the Social Sciences?," in *Christian Wolff and Law & Economics: The Heilbronn Symposium*, 180-183.

<sup>21</sup> Euler's contributions are discussed in Clifford Truesdell, "A Program Toward Rediscovering the Rational Mechanics of the Age of Reason," in *Archive for the History of Exact Sciences* (Berlin: Springer-Verlag, 1962).

<sup>22</sup> The notion of "naïve optimism," as I develop it here, is influenced by my reading and study of Herbert Paul Grice (1913-1988). In revealing this influence, however, I do not mean to suggest there is any direct or traceable influence of Wolff upon Grice (any similarities are most certainly coincidental).

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**A Panegyric on Spinoza and Derrida:  
Saintly Jewish Heretics Striving towards a “Pure Religion”**

Can a religion be imagined in which heresy and blasphemy are impossible? Would such a religion need to be beyond a transcendent God and instead based on the freedom of the self and other? What would it mean to respect the “religion” of “Saint Baruch” and “Saint Jacques,” both who may, in a sense, “rightfully pass for atheists” and heretics? After examining the heretical perspective of each “saint,” I then identify and present for praise what we can learn from each “heretic”—namely, a saintly “ethics of love” that emerges as fundamental to a “pure religion.” Thus, I argue that what Spinoza understands as “true religion” is centered on the ethics of love, and that what Derrida writes of as “religion without religion” may be interpreted as a dream of a “pure religion” analogous to his dream of “pure forgiveness.” What also emerges as an important practical consequence of these views, which seek not to deplore and denounce, but to understand and affirm, is that the other who is a religious crusader, a narrow-minded fundamentalist, a bigoted politician, a secular cartoonist, a violent terrorist, etc. should be met with calmness and love, not hatred and anger.

## A Panegyric on Spinoza and Derrida: Saintly Jewish Heretics Striving towards a “Pure Religion”

*Michael Strawser, University of Central Florida*

### Introduction

Can a religion be imagined in which heresy and blasphemy are impossible? Would such a religion need to be beyond discourse on a transcendent God and instead based on freedom and the love of the other? An affirmative answer to these questions will be suggested in the following pages, which present the “religion” of “Saint Baruch” and “Saint Jacques,” both who may, in a sense, “rightfully pass for atheists.”<sup>1</sup>

Although commonly viewed as dangerous and heretical by their contemporaries, the Jewish philosophers Baruch Spinoza and Jacques Derrida offer readers complex yet compelling visions of a “pure religion” beyond ordinary religion, because their key writings on ethics and religion (e.g., Spinoza’s *Theological-Political Treatise* and *Ethics* and Derrida’s *The Gift of Death* and *On Forgiveness*<sup>2</sup>) are centered on the values of freedom, love, giving, and forgiving—in other words, their visions are oriented towards an understanding and affirmation of the other, rather than a transcendent God.

In this paper I shall present for praise the “pure religion” and related themes that emerge from the key writings of these “Saints.” Despite the many great differences that separate our philosophers (e.g., differences of place and time), it may be possible to find a harmony in the voices of Spinoza and Derrida on matters concerning religion. I would also like to suggest that an examination of these visions will show that when followers of “ordinary religion” have developed an ear or an eye for the blasphemous and not the *tout autre*, they miss that which lies at the center of the truly religious life.

The structure of my panegyric is this: I shall initially present the heretical perspective of each philosopher and then identify what we can learn from the heretic that is praiseworthy in his philosophy. I shall argue that what Spinoza understands as “true religion” is centered on the ethics of love, and that what Derrida writes of as “religion without religion” may be interpreted as a dream of a “pure religion” analogous to his dream of “pure forgiveness.” In Derrida, as we shall see, love will also be highly significant, and for both philosophers love lies arguably at the root of their visions of democracy.

Last, as the title of this paper indicates, its point is not primarily comparative, although such a work could be pursued. As is well-known, Spinoza's vision is based on rational human intuition (not prophecy and scripture). What is surprising to note, however, is that Derrida's vision may also involve a sort of Platonic appeal.<sup>3</sup> Perhaps this apparent similarity—which will be left in suspense—could provide the basis for a common mysticism of our saintly Jewish heretics.

### What We Can Learn from the Heretic Spinoza

In 1656 the Jewish community of Amsterdam excommunicated the 24 year-old Spinoza for practicing “horrible heresies.” In the formal record of his excommunication it is written:

Cursed be he by day and cursed be he by night; cursed be he when he lies down, and cursed be he when he rises up; cursed be he when he goes out, and cursed be he when he comes in. The Lord will not pardon him; the anger and wrath of the Lord will rage against this man, and bring upon him all the curses which are written in the Book of the Law, and the Lord will destroy his name from under the Heavens.<sup>4</sup>

Fortunately, for Spinoza, the core of what he supposedly taught—although never formally, for he had rejected a professorship at Heidelberg because he could not accept the stipulation that “he would not abuse his freedom of speech to ‘disturb the established religion’”<sup>5</sup>—the core of his horrible heresies was his criticism of theology. The transcendent God of wrath, “the legislator and judge, the planner and protector, simply does not survive”<sup>6</sup> the court of reason. That God could be moved by feelings of anger or hatred (negative passions for Spinoza) is a product of our anthropomorphic imagination. Other such products are the doctrine of free will and final causes, which when taken theologically lead to the view that God desires a particular end and works toward achieving this end. As Spinoza explains in the posthumously published *Ethics*, this view “completely overturns Nature” and “takes away the perfection of God; for if God acts on account of an end, he necessarily desires something which he lacks.” God, of course, can lack nothing. Thus “the will of God” is nothing more than “the asylum of ignorance.”<sup>7</sup>

While these few points are developed in the conception of God Spinoza establishes in Part One of his *Ethics*, the likely historical source of the “horrible heresies” is the criticism of theology found in Spinoza's anonymously published *Theological-Political Treatise*. Here Spinoza's central aim is to separate theology and politics and to show “that freedom of philosophizing can be allowed in preserving piety.”<sup>8</sup>



These anti-theological reflections in Spinoza's works have to be seen, although this is not usually the case, as preparatory for the major emphasis of his philosophy, namely the affirmative ethics of love and joy which lie at the heart of pure religion. Spinoza understands that true piety and religion is based on the ethical practice towards others, and that such practice in turn strengthens one's own self. Thus in the Preface to the *Theological-Political Treatise* he marvels at those who profess "the Christian religion, which is a religion of love, joy, peace, temperance and honest dealing with all men," and yet "display the bitterest hatred towards one another day by day, so that these latter characteristics make known a man's creed more readily than the former."<sup>9</sup> Religion, for Spinoza, is defined by one's conduct, not one's belief, or, as Kierkegaard would put it, by the "how" and not the "what."<sup>10</sup> In Chapter 7 of the *Theological-Political Treatise*, Spinoza explains that in practice religion has taken the form of "defending what men have invented. Indeed, religion is manifested not in charity but in spreading contention among men and in fostering the bitterest hatred, under the false guise of zeal in God's cause and a burning enthusiasm."<sup>11</sup> Thus Spinoza wishes to understand the "religion" of these men, while affirming the true religion—without this common "religion"—the true religion, which quite simply put involves obedience to the divine command (or divine intuition) to love your neighbor as yourself.<sup>12</sup> "This is the basis of the whole structure of religion,"<sup>13</sup> Spinoza writes, making clear that the essence of religious teaching is moral, not theological, metaphysical, or epistemological doctrine. Because of this ordinary religion can be either sacred or profane. When it leads people to act virtuously—which involves upholding justice, helping the helpless, not murdering and coveting, etc.<sup>14</sup>—it is sacred, but when it leads them "to give rein to their own desires"<sup>15</sup> and forget how they ought to treat others, then it is profane or impure. Thus when a religion based on an interpretation of God's Word leads people to act violently towards others, then God's Word becomes "nothing more than paper and ink" and to worship paper and ink is blasphemy. Consequently, Spinoza, the great heretic as he is commonly known, can be taken as moving beyond blasphemy through an affirmation of a "religion without religion." When such a "faith" is based on the practice of justice and love then "there can be no doctrines in the Catholic, or universal, religion, which can give rise to controversy among good men."

Because the true religion is practical in nature and not theological, one is free to philosophize about God's nature. "The intellectual knowledge of God which contemplates his nature as it really is in itself," Spinoza writes, "has no bearing on the practice of a true way of life, on faith, and on revealed religion, and that consequently men can go far astray in this matter without sinning."<sup>16</sup> In this way Spinoza sharply divides the word and the deed. Although in his *Ethics*, Spinoza may be read as showing how the "intellectual knowledge of God" should become an "intellectual love of God" that pervades one's whole way of being, it is likely that such a unity of thought and being is more than difficult and rare, but an essentially impossible dream. Given that true knowledge of God is so

difficult to obtain—is it not essentially impossible?—this would explain why Spinoza advocates the separation of faith and philosophy in the *Theological-Political Treatise*. He writes:

So faith allows to every man the utmost freedom to philosophise, and he may hold whatever opinions he pleases on any subjects whatsoever without imputation of evil. It condemns as heretics and schismatics only those who teach such beliefs as promote obstinacy, hatred, strife and anger, while it regards as the faithful only those who promote justice and charity to the best of their intellectual powers and capacity.<sup>17</sup>

Given that Spinoza strives to subvert theology and emphasize the practice of the ethics of love, it is ironic that what he is best known for is his monistic conception of God. Let us not make a similar mistake in our praise of Spinoza; let us turn to the heart of the matter.

### Spinoza's Noble Love<sup>18</sup>

We all know that coming to terms with love is difficult, and to complicate matters, we have to contend with explicit ambiguity in Spinoza's understanding of love in his *Ethics*.<sup>19</sup> There are three distinct conceptions of love at work in this text, which can be designated as the aesthetic, ethical, and religious conceptions of love. Briefly stated, these conceptions are: (1) love as a passion defined as "pleasure accompanied by the idea of an external cause,"<sup>20</sup> (2) love as an action, equated with "nobility," which can be expressed as the desire to do good for others, and (3) love as an action based on understanding God, which brings about pleasure and the idea of an internal cause. Of these three conceptions—although the first is, strictly speaking, a perception for Spinoza, and the third may bring us into the realm of onto-theology—it is only the second, ethical conception that is relevant here. Let us consider some of the details.

Spinoza initially writes of love as a passion, and consequently an emotion that a free, active person would strive to avoid. Although the term "love" is not defined and geometrically discussed until Part Three of *Ethics*, the ambiguity appears earlier in the text. The first use of "love" occurs parenthetically in *E1p31*, where he claims it is "related to passive and not to active Nature." "Love" does not appear again until it is found in the lengthy and significant scholium that closes Part Two. This scholium is significant because in responding to criticisms against determinism and explaining the practical benefits of this doctrine, Spinoza projects themes that are central in the last part of his work. The mention of "love" is in the following sentence:

This doctrine, therefore, besides the fact that it makes the mind entirely calm, has the further benefit that it teaches us in what our supreme happiness, or, our blessedness, consists: namely, solely in the knowledge of God<sup>21</sup>, from which we are led to do only those things which love and piety advise.

Love advises. Love advises us to do only those things that will lead to our blessedness. Consequently, this is clearly not the kind of love that belongs to our passive nature as initially mentioned in Part One and further explained in Part Three. It is rather the kind of love that acts, rather than reacts, that prevents or weakens the passive emotions of hate, as well as love in the first sense, anger, and envy. This love advises us to help our neighbors, “not from effeminate pity, bias, or superstition, but solely from the guidance of reason.” Perhaps it could be called rational love, perhaps intuitive love, perhaps undeconstructible love. Perhaps.

The ethics of love is thus not primarily concerned with “love” defined by Spinoza as “pleasure with the accompaniment of the idea of an external cause” (*E3p13s*), and for this reason it is not necessary for us to distinguish the different manifestations of this kind of love as determined by its objects, e.g., the love of one’s spouse, the love of one’s children, the love of sports, etc. However, in the course of explaining the passive dynamics of love and hate Spinoza writes this:

Proposition 43: Hatred is increased by reciprocal hatred, and conversely can be destroyed by love.

This proposition should make readers pause for at least two reasons: first, because of the powerful idea expressed—there is a way to remove hatred—and second, because of the inconsistent use of “love.” It seems obvious that we are now dealing with a different kind of love. One cannot easily substitute Spinoza’s essential definition into this proposition and have it make sense. The love that is now being referred to is active rather than passive.

There is another term Spinoza uses to refer to what we may understand as active, ethical love, and that is “nobility.” Not surprisingly, this term is repeatedly equated with love, which further deepens the ambiguity. After fifty-seven propositions in Part Three that explain “the origin and nature of the emotions” and categorize forty-six passive emotions, Spinoza writes only two propositions which explain active emotions rather than passions. The scholium to the last proposition states that all the active emotions are related to fortitude, which covers two categories of emotions: courage and nobility.

For by ‘courage’ I understand ‘the desire by which each person endeavours to preserve his being in accordance with the dictate of reason alone’, and by ‘nobility’ I understand ‘the desire by which each person, in accordance with the dictate of reason alone, endeavors to help other men and join them to him in friendship’.

Thus for Spinoza it is essential for an active person to try to help others, and it should be pointed out that the notion of “friendship” is not that which we normally consider to be based on personal preferences. It cannot be, since it is commanded by reason alone. A “friend” in Spinoza’s sense is what Kierkegaard will call the neighbor, and what philosophers like Derrida generally designate as the other.

Nobility has now been defined, but what’s love got to do with it? In a significant proposition in Part Four Spinoza writes:

Someone who lives in accordance with the guidance of reason endeavors, as far as he can, to repay the hatred, anger, contempt, etc. that another has for him with love, i.e. with nobility (E4p46).

So, now, for Spinoza, “love” is nobility. This means we are no longer to think of it as a passion defined as “pleasure accompanied by an external cause.” Love is now a purely internal movement of the self, although it is intended to have external effects—to decrease hatred, anger, contempt, etc.—works of love, if you will. Following the command of reason, it is clear that one shall love, and through acts of love one strengthens and preserves one’s own being. Without love one lives miserably (E4p46s).

There are other passages in *Ethics* where Spinoza indicates the equivalence of love and nobility, but we do not need to continue our exposition of this point. We are now justified in discussing Spinoza’s *Ethics* as an ethics of love, in which love is understood as an active internal movement whereby one acts to strengthen the other. This is the substance of Spinoza’s true religion.

### What We Can Learn from the Heretic Derrida

If it is true that few philosophers have “occasioned as many refutations, anathemas, insults, and maledictions”<sup>22</sup> as the Portuguese-Dutch Spinoza, then the Algerian-French philosopher Jacques Derrida must be counted as one of the few. Ever since the famous triple-play of 1967 (i.e., the publications of *Speech and Phenomena*, *Writing and Difference*, and *Of Grammatology*) deconstruction has

been attacked as ugly and dangerous, and its “father” has been the subject of pointed controversy throughout his career and even in his death.

What is perhaps at the root of the maddening effect of Derrida’s texts is his playful style of writing and the strategy he pursues to subject our highest concepts (e.g., meaning, reason, and tradition) to a whirlwind that dislocates and displaces. That Spinoza’s philosophy should be taken as a “series of whirlwinds” has been nicely highlighted by Gilles Deleuze. And it is worthy to consider that a Marronite background may be at work in the lives and philosophies of both Spinoza and Derrida. As Marrano<sup>23</sup> Jews they are masters of “dual language and equivocation.”<sup>24</sup> With respect to Spinoza this has been shown quite impressively by Yirmiyahu Yovel in his study *Spinoza and Other Heretics: The Marrano of Reason*.<sup>25</sup> While Derrida has called himself “a kind of Marrano,” it is seldom that he explicitly refers to Spinoza in his work. Nevertheless, Warren Montag, the editor of *The New Spinoza*, writes that “there is ample evidence of Spinoza’s presence...in the work of...Derrida.”<sup>26</sup> But whether Spinoza invites readers to take a “witch’s ride”<sup>27</sup> as Deleuze suggests and Derrida “always has the devil in his eyes”<sup>28</sup> as he has “circumfessed,” the point of this paper is not primarily comparative. Rather, it is to praise and affirm, which is hardly what the academics who opposed that an honorary degree be conferred on Derrida by Cambridge University had in mind. In the letter they signed in protest we read:

Academic status based on what seems to us to be little more than semi-intelligible attacks upon the values of reason, truth, and scholarship is not, we submit, sufficient grounds for the awarding of an honorary degree in a distinguished university.<sup>29</sup>

While there are some who may view Derrida as “the Mick Jagger of Cultural Philosophy,”<sup>30</sup> to his many detractors he is an “intellectual con artist, a polysyllabic grafter who has duped roughly half the humanities professors in the United States.”<sup>31</sup> Even in his death he provoked controversy as he was cruelly attacked by “both liberal and conservative media,”<sup>32</sup> thus solidifying a common perception of Derrida as a philosophical outcaste.

Having seen how Derrida has been viewed as a heretical philosopher, let us begin to consider the saintly aspects of his thought. This endeavor itself will be unorthodox, as Hélène Cixous notes at the beginning of her *Portrait of Jacques Derrida as a Young Jewish Saint*.

What is a Young Jewish Saint [*Saint Juif*]? Given that the subject is Jacques Derrida, the inventor of *différance*, the poet who makes writing and hearing—and what an extraordinary sense of hearing he has—pair up and dance, this portrait is sotto voce and

homophonically—do you hear?—that of a young *sainjuif*, I mean a Jewish monkey [*singe juif*], if there is such a thing, and why shouldn't there be a saintly monkey or a monkey of a saint?

And you are correct if, by paronomasia, you thought you saw the lightning silhouette of Saint-Just, figure of revolutionary exactitude, signifier (of the) rebel against all bounds and limits, slip in among the saints in *Je*.<sup>33</sup>

Perhaps what separates the monkey from the man is the dream, for Bento and Jackie alike, the dream of a pure religion.

### Dreaming of a Pure Religion

Although it may be a surprise to some, from his earliest writings on *différance* forth Derrida acknowledges a correlation between his writing and prophetic religious discourse.<sup>34</sup> While this suggests that there is a continuity (of sorts) in Derrida's writings—after all there are not two Derridas as there are two Heideggers or two Wittgensteins—the focus on religion is more prominent in Derrida's later works. In these texts his concern is to project a “religion without religion,” which is, of course, a thoroughly ambiguous phrase that reveals dual meanings of the word. The kind of religion Derrida wishes to do without is what could be considered to be “ordinary or common religion,” the kind of religion involving a supposedly fixed theological doctrine. This is the kind of religion that leads to divisions and wars, that has witches burnt at the stake, that ostracizes homosexuals and that finds heretics everywhere. Because of this religion, the Dutch saying quoted by Spinoza in his *Theological Political Treatise*, *Geen ketter sonder letter*<sup>35</sup> (“No heretic without a text”), makes sense.

In contrast to Nietzsche, whose shocking proclamation that “God is dead” seemingly allows for no compromise with or affirmation of religion, Derrida's expression “religion without religion” embraces and affirms “religion,” for it retains the term that contains a tension within while signifying the idea of a “pure religion” without all the corruptions of an impure religion. On my reading Derrida's view of “religion” parallels his discussion of “forgiveness,” so that much of Derrida's analysis of forgiveness can be applied to his understanding of religion. In his essay “On Forgiveness,” Derrida is seeking for a “proper” meaning of the word and distinguishes between common forgiveness and pure forgiveness. What may be taken to be the sole proposition that Derrida risks is this:

[E]ach time forgiveness is at the service of a finality, be it noble and spiritual (atonement or redemption, reconciliation, salvation), each time that it aims to re-establish a normality

(social, national, political, psychological) by a work of mourning, by some therapy or ecology of memory, then the ‘forgiveness’ is not pure – nor is its concept. Forgiveness is not, it *should not be*, normal, normative, normalizing. It *should* remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the ordinary course of historical temporality.<sup>36</sup>

There are two important points I would like to make regarding this passage. The first is that we can replace the word “forgiveness” with “religion” and gain insight into Derrida’s “pure religion.” *Religion* “should not be, normal, normative, normalizing. It should remain exceptional and extraordinary, in the face of the impossible: as if it interrupted the ordinary course of historical temporality.” Is this not a way of suggesting that pure religion will always appear as heresy? Does this not also explain why we can find the heretics Spinoza and Derrida saintly? The second point relates to the first, through the doubly written and doubly italicized “should” Derrida is here envisioning a “hyperbolic” ethical ideal of “forgiveness” and “religion.”<sup>37</sup> It is important to note that Derrida is not thus repudiating religious practice focused on achieving psychological well-being, national unity, or eternal salvation, but instead he wants to make clear that any such practice is always questionable when it is taken as an economic arrangement meant to achieve a particular end. And of course “terrorism” is the extreme form of religious practice attempting to achieve a social-political end. As such, it is easy to see how far removed it is from “pure religion.”<sup>38</sup> Only when religious practice is unconditional will it be “undeconstructible,” and the love of the undeconstructible is but another way that we may paraphrase “religion without religion.”

Thus Derrida defines “pure forgiveness” paradoxically as the forgiveness of the unforgivable, which is to say that which one could never conceive oneself called upon to forgive. The possibility of forgiveness thus “requires us to *do the impossible*, to make the impossible possible.”<sup>39</sup> Richard Kearney provides a helpful interpretation here, for he explains that “what Derrida is trying to do is to think a postmetaphysical category of the possible by rethinking the category of the impossible in a way that is not negative or disabling.”<sup>40</sup> Derrida can thus be read as endeavoring to enable the positive practice of pure forgiveness, and he concludes his reflections on forgiveness like this:

What I dream of, what I try to think as the ‘purity’ of a forgiveness worthy of its name, would be a forgiveness without power: *unconditional but without sovereignty*. The most difficult task, at once necessary and apparently impossible, would be to dissociate *unconditionality* and *sovereignty*. Will that be done one day? It is not around the corner, as is said. But since the hypothesis of this unrepresentable task announces itself, be it as a dream for thought, this madness is perhaps not so mad . . .<sup>41</sup>

While the dream of pure religion may indeed be an impossible dream, it is a dream that presents itself nonetheless. Perhaps suggesting “some kind of Platonic account,”<sup>42</sup> but with a very significant difference, for its true meaning lies not in the transcendent realm, but rather in the immanent expression of love. Derrida, however, does not frequently write about love and its role in his work, perhaps because he, like his friend Emmanuel Levinas, found “love” to be “a worn-out and ambiguous word.”<sup>43</sup> Nevertheless, in a 1982 interview he explains the significance of love for deconstruction.

Deconstruction as such is reducible to neither a method nor an analysis. . . . This is why it is not negative, even though it has often been interpreted as such despite all sorts of warnings. For me it always accompanies an affirmative exigency, I would even say that it never proceeds without love.<sup>44</sup>

For Derrida, then, love is the practice of affirming the singularity of the other, no matter whom, whether a human or an *animot*.<sup>45</sup> But such affirmation of the other involves a sacrifice, although not a sacrifice of the other as in the unsettling ritual of animal sacrifice, but rather a sacrifice of the self. Such sacrifice can be understood as a “letting-go” of one’s self in order for a “letting-be” [*Gelassenheit*]. In *Gelassenheit* Derrida recognizes love itself: “To give oneself up and to surrender one’s weapons without defeat, without memory or plan of war: so that this renunciation not be another ruse of seduction or an added stratagem of jealousy.”<sup>46</sup> Love, then, becomes “this infinite renunciation which somehow *surrenders to the impossible*.”<sup>47</sup> All that I am, including “my God” and “my religion,” especially when understood as exclusive and divisive, is given up in infinite renunciation, so that the other names of God—“names like justice, hospitality, testimony, the gift—and democracy,” “[f]or God is the name of the other, any other, no matter whom”<sup>48</sup> can be affirmed. John Caputo, who has perhaps best understood the insights of Derrida’s “religion without religion,” clarifies the form this deconstruction takes.

Deconstruction takes the specific form of a democratic messianism, by which [is meant] a thought and practice in which everything is turned toward a democracy to come, which takes the form, as Derrida says, of “absolute hospitality, the ‘yes’ to the *arrivant(e)*, the ‘come’ to the future that cannot be anticipated.”<sup>49</sup>

Notwithstanding their criticisms of actually existing democracies, our saintly Jewish heretics agree that a pure religion embraces both love and democracy. Such an ideal democracy is more than a merely formal democracy of legal rights, but one where individuals are truly recognized and “do



freely what is best.”<sup>50</sup> However laudable this may sound, there is still a note of heterodoxy to be detected in our philosophers. For it follows as a practical consequence of these views, which seek not to deride, bewail, or execrate human actions, but to understand them”<sup>51</sup> and to affirm the actors involved, so that doing freely what is best may actually become possible, that “the other” should likewise be met with calmness and love, not hatred and anger. Of course the great practical difficulty of a democratic messianism, a democracy of love, is to affirm all singularities, “any other, no matter whom,” whether religious terrorist or secular cartoonist. Indeed, “all things excellent are as difficult as they are rare.”<sup>52</sup>

### Conclusion

What is crucial to our heretics’ ways of thinking, which are to become ways of living, is that the positive, affirmative life replaces the life of bondage that people most commonly lead. Of course, pure positivity, as Derrida knows perhaps better than Spinoza, is part of the impossible dream, and yet such total affirmation is what he, ironically known as the father of deconstruction, strives towards.<sup>53</sup> The goal of pure religion is to replace theologies and politics of reaction with an active affirmative life. What makes Spinoza’s *Ethics* such a brilliant example of the active way of being is its geometric method, which is the attempt to master the act of understanding while avoiding the imaginings of reactive thinking. An example of such reactive thinking is satire.

Through the use of the geometrical method Spinoza opposes satire, but he does not directly denounce the satirist, nor does he condemn him, or argue that he should not be free to satirize whatever he likes. Rather, as Deleuze explains, Spinoza understands that “satire is everything that takes pleasure in powerlessness and distress of men, everything that feeds on accusations, on malice, on belittlement, on low interpretations, everything that breaks men’s spirits.”<sup>54</sup> The free person thus rises above satire and related forms of protest in an effort to awaken and inspire others to affirm an ethics of love and joy.

Shall we thus conclude by affirming the saintliness of our Jewish thinkers? True, our philosophers are both Jews of questionable Jewishness. True, they represent a “religion without religion” that at first glance appears as heresy. But a closer look reveals a “heresy” that when appropriated has the surprising effect of eliminating heresies. “Religion without religion” thus becomes “heresy without heresy.” All monkeying around aside, let us conclude with a prayer for Saint Baruch and Saint Jacques:

Blessed be they by day and blessed be they by night; The Lord will bring upon them all the blessings which are written in the Book of the Law, and the Lord will preserve their name in the Heavens.

### Notes

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<sup>1</sup> As Jacques Derrida says of himself in *Circumfession: Fifty-nine Periods and Periphrases*, in Geoffrey Bennington and Jacques Derrida, *Jacques Derrida* (Chicago: U of Chicago P, 1993) 155. Accordingly, John Caputo explains: “For Derrida is Jewish without being Jewish, Jewish *sans* Judaism, married outside Judaism, his sons uncircumcised, he an atheist.” See *The Prayers and Tears of Jacques Derrida: Religion without Religion* (Bloomington: Indiana UP, 1997) xvii.

For an interesting discussion of “the question of Spinoza’s atheism” see Merold Westphal, *Transcendence and Self-Transcendence: On God and the Soul* (Bloomington: Indiana UP, 2004) 41-48. According to Westphal “it immediately becomes clear that there is a sense in which Spinoza is indisputably an atheist and a sense in which he is indisputably not” (44).

<sup>2</sup> Certainly there are other key works by Derrida, such as *Acts of Religion* (2001) and *Spectres of Marx* (1993), the latter of which is, according to Jason Powell in *Jacques Derrida: A Biography* (London: Continuum, 2006, 207), the beginning of Derrida’s directly religious writings, but I shall have to limit my focus here. Moreover, I wish to suggest below that certain aspects of what Derrida explains as “pure forgiveness” in “On Forgiveness” (in *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes [New York: Routledge, 2001]) may be thought of as characteristic of “pure religion.”

<sup>3</sup> Such a claim is made by Chris Kaposy in his “Analytic” Reading, “Continental” Text: The Case of Derrida’s ‘On Forgiveness,’” *International Journal of Philosophical Studies* 13 (2005): 213. Although I find this claim to be highly questionable and shall not pursue a consideration of it here, I do agree with Kaposy that the key to Derrida’s argument on pure forgiveness is the ethical interpretation.

<sup>4</sup> A. Wolf, ed., *The Oldest Biography of Spinoza* (London: George Allen & Unwin, 1927) 146.

<sup>5</sup> Genevieve Lloyd, *Routledge Philosophy Guidebook to Spinoza and the Ethics* (New York: Routledge, 1996) 3.

<sup>6</sup> Robert Hurley, trans., “Preface” to Gilles Deleuze’s *Spinoza: Practical Philosophy* (San Francisco: City Lights Books, 1988) i.

<sup>7</sup> Baruch Spinoza, *Ethics*, ed. and trans. G. H. R. Parkinson (Oxford: Oxford UP, 2000) 108-9. References to this text will be given parenthetically throughout this paper and will follow the standard pattern where “E” stands for the Part of *Ethics*, “p” for proposition, and “s” for scholium.

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<sup>8</sup> This appears on the title page of the *Theological-Political Treatise* in *Spinoza: Complete Works*, trans. Samuel Shirley (Indianapolis: Hackett, 2002) 387.

<sup>9</sup> Spinoza, *Theological-Political Treatise*, 390.

<sup>10</sup> Søren Kierkegaard, *Concluding Unscientific Postscript*, Vol. 1, trans. Howard V. Hong and Edna H. Hong (Princeton: Princeton UP, 1992) 189f.

<sup>11</sup> Spinoza, *Theological-Political Treatise*, 456.

<sup>12</sup> Spinoza, *Theological-Political Treatise*, 511.

<sup>13</sup> Spinoza, *Theological-Political Treatise*, 508-509.

<sup>14</sup> Spinoza, *Theological-Political Treatise*, 509.

<sup>15</sup> Spinoza, *Theological-Political Treatise*, 504.

<sup>16</sup> Spinoza, *Theological-Political Treatise*, 513.

<sup>17</sup> Spinoza, *Theological-Political Treatise*, 519.

<sup>18</sup> This section has previously been published in “The Ethics of Love in Spinoza and Kierkegaard and the Teleological Suspension of the Theological,” *Philosophy Today* 51.4 (Winter 2007): 440-441.

<sup>19</sup> Additional examples of ambiguous terms are “freedom” and “emotion.”

<sup>20</sup> E3p13s.

<sup>21</sup> The phrase “knowledge of God” is ambiguous in Spinoza’s writings as well. It should not here be understood as having any propositional content, but rather as a reference to whatever the mysterious source of love may be.

<sup>22</sup> Deleuze 10.

<sup>23</sup> According to Rebecca Goldstein, “the word *marrano* is believed to derive from the old Castilian ‘swine,’ a particularly apt slur to insult those believed to be concealing Jewish practice beneath Christian performance.” See *Betraying Spinoza* (New York: Schocken, 2006) 4.

<sup>24</sup> Lloyd 4.

<sup>25</sup> Princeton UP, 1992.

<sup>26</sup> Warren Montag in his Preface to *The New Spinoza*, ed. Warren Montag and Ted Stolze (Minneapolis: U of Minnesota P, 1997) ix.

<sup>27</sup> Malamud, *The Fixer*, quoted by Deleuze in the opening epigraph to his *Spinoza: Practical Philosophy*.

<sup>28</sup> See John Caputo’s obituary for Derrida, “Jacques Derrida (1930-2004)” in *Cross Currents* 55.4 (Winter 2005-06). <[www.crosscurrents.org/caputo200506.htm](http://www.crosscurrents.org/caputo200506.htm)>.

<sup>29</sup> Quoted in *Understanding Derrida*, eds. Jack Reynolds and Jonathan Roffe (New York: Continuum, 2004) 1.

<sup>30</sup> Wesley Morris, “‘Derrida’ an Amusing Portrait of the Master of Deconstruction,” *The Boston Globe*, 5 Feb. 2003. Available at <<http://www.derridathemovie.com/9press.html>>.

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<sup>31</sup> Mark Goldblatt, “Derrida, Derrida, Etc.: The Philosopher as King,” *National Review Online*, 16 Jan. 2003. <<http://www.nationalreview.com/comment/comment-goldblatt011603.asp>>.

<sup>32</sup> See Caputo’s “Jacques Derrida (1930-2004).”

<sup>33</sup> Hélène Cixous, *Portrait of Jacques Derrida as a Young Jewish Saint*, trans. Beverley Bie Brahic (New York: Columbia UP, 2004) vii.

<sup>34</sup> See Dermot Moran, *Introduction to Phenomenology* (London and New York: Routledge, 2000) 470. Nevertheless, it is usually thought that Derrida’s religious writings begin much later in his authorship. As noted above (note 2), Powell argues that they begin in the 1990s, whereas Caputo suggests that Derrida’s “religion without religion” develops in the 1980s with his reflections on the other. See Caputo, *The Prayers and Tears of Jacques Derrida: Religion without Religion*.

<sup>35</sup> Spinoza, *Theological-Political Treatise*, 514.

<sup>36</sup> Derrida, *On Cosmopolitanism and Forgiveness*, 31-32.

<sup>37</sup> See Derrida, *On Cosmopolitanism and Forgiveness*, 51.

<sup>38</sup> Some of the ideas in this section reappear in a more detailed discussion of the relationship between terrorism and forgiveness in my forthcoming article: “A Place for Forgiveness? A Derridean Response to Terrorism,” *Politics and Religion in the New Century: Philosophical Perspectives*, eds. Philip Quadrio and Carol Besseling (Sydney UP).

<sup>39</sup> Richard Kearney, “Deconstruction, God, and the Possible,” *Derrida and Religion: Other Testaments*, eds. Yvonne Sherwood and Kevin Hart (New York: Routledge, 2005) 300.

<sup>40</sup> Kearney 302.

<sup>41</sup> Derrida, *On Cosmopolitanism and Forgiveness*, 59-60.

<sup>42</sup> Kaposy 213.

<sup>43</sup> Emmanuel Levinas, *Entre Nous: Thinking of the Other*, trans. Michael B. Smith and Barbara Harshav (New York: Columbia UP, 1998) 108.

<sup>44</sup> Jacques Derrida, “The Almost Nothing of the Unrepresentable,” *Points...: Interviews, 1974-1994*, ed. Elizabeth Weber, trans. Peggy Kamuf et al. (Stanford: Stanford UP, 1995) 83.

<sup>45</sup> Derrida coins this neologism precisely to signal and to emphasize the singularity of all the different animals who when referred to by “the general singular that is *the animal*” are reduced to a commonality that separates them from what is proper to humans. Derrida’s radical thinking of the other as animal or *animot* calls the dominant tradition of western philosophy into question. The implications of this profound thinking have not yet been fully appreciated. See Jacques Derrida, *The Animal that Therefore I Am*, ed. Marie-Louise Mallet, trans. David Wills (New York: Fordham UP, 2008) esp. 37-41.

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<sup>46</sup> Jaques Derrida, "Sauf le nom (Post-Scriptum)," *On the Name*, trans. John Leavey, Jr. (Stanford: Stanford UP, 1995) 74.

<sup>47</sup> Derrida, "Sauf le nom (Post-Scriptum)," 74.

<sup>48</sup> Derrida in John D. Caputo and Jacques Derrida, *Deconstruction in a Nutshell: A Conversation with Jacques Derrida* (New York: Fordham UP, 1997) 173.

<sup>49</sup> Caputo in Caputo and Derrida, *Deconstruction in a Nutshell*, 173.

<sup>50</sup> E2p49s.

<sup>51</sup> Baruch Spinoza, *Political Treatise*, in *Spinoza: Complete Works*, trans. Samuel Shirley (Indianapolis: Hackett, 2002) 681.

<sup>52</sup> E5p42s.

<sup>53</sup> Nietzsche, who had found a kindred spirit in Spinoza (see *The Portable Nietzsche*, ed. and trans. Walter Kaufman [Penguin, 1972], 72), also tried to embrace an affirmative philosophy symbolized by everything that is meant by Dionysus, and yet his work is known much more readily for its provocative negative emphasis than for the affirmative perspective that he sought to develop.

<sup>54</sup> Deleuze 13. Thus Deleuze understands Spinoza's geometrical method as an invention for inspiration, which is a helpful interpretation, although he gets some points wrong when he writes of the virtues that humility—which Spinoza repudiated—is required, and that Spinoza didn't believe in courage—which for Spinoza is a sub-species of fortitude and an active emotion.

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**Freedom of Expression and the Responsibility of Intellectuals**

In this paper, I perform a critical post-structuralist reading of the Muhammad cartoon, analyze the concrete effects the cartoon has on Arabs, and explore the cartoon as an example of Louis Althusser's Ideological State Apparatus. I attempt to deconstruct the west's one-dimensional discourse that serves both to create and legitimate the Muslim identity by utilizing the writings of Michel Foucault, Gilles Deleuze, Guy Debord, Jean Baudrillard, and queer theory. I will attempt to make the "freedom of expression" defense of the Muhammad cartoon problematic, and argue that exposing this defense as problematic is the responsibility of intellectuals and philosophers.



## **Freedom of Expression and the Responsibility of Intellectuals**

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### **Introduction**

This paper is a theoretical work in the field of practical philosophy. I will discuss theoretical issues regarding the Muhammad cartoon and suggest practical ways of living, intellectually and ethically, in the visual culture of the west after the publication of the Muhammad cartoon. I will tie the theoretical to the practical through a concept that denotes one of the most rewarding things in life, i.e., friendship.<sup>1</sup> I will begin my analysis by examining, through the writings of Martin Heidegger, Gilles Deleuze, and Guy Debord, the expanding discursive role images play in contemporary society. My discussion of Debord will lead to an examination of Louis Althusser's and Michel Foucault's work on the political/ideological power that discourse has in the creation of institutional, and therefore, general knowledge. I ultimately want to suggest that the Muhammad cartoon functions as a discursive image that simultaneously objectifies and subjectifies Muslim identity through the creation and deployment of power/knowledge.

### **A Snapshot of the World Picture**

The modern world is a world of images. In western culture, the majority of people interpret the world by recourse to modern meta-narratives, most easily understood through visual representations.<sup>2</sup> We live, as Heidegger articulated, in the age of the world picture. "A world picture...does not mean a picture of the world but the world conceived and grasped as a picture...the fact that the world becomes a picture at all is what distinguishes the essence of the modern age."<sup>3</sup> Vast majorities of people get their news from television; huge amounts of people attend movies in their leisure time; a majority of Americans have a computer at work and home with a graphic-based user interface, and MTV has been adding pictures to music for decades now. It is virtually impossible to drive down the street without being visually assaulted by billboards, and consumers buy commodities *for* the logo the commodity brandishes. As Nicholas Mirzoeff notes, "In this constant swirl of imagery, seeing is much more than believing. It is not just a part of everyday life, it is everyday life."<sup>4</sup> Mirzoeff makes it clear that today what you see is literally (not just metaphorically) what you get.

### The Image's Relationship to Reality

Does what we see represent or create reality? Deleuze argues, in his magnum opus *Difference and Repetition*, that western thought, from Plato's ideal forms to contemporary ideas of journalistic integrity, has traditionally been dominated by the logic of representation. The logic of representation holds that an objective physical world exists, and images simply re-present that world. This understanding does not depend on the accuracy of the images to do so, or the form that the image takes (photograph, cartoon, painting, etc). In fact, we often think of things like paintings as enhancing our understanding of objective physical reality. Monet, for example, gives us new ways of seeing the "Truth" of the city, and Van Gogh gives us new ways of seeing the "Truth" of the stars. In contrast to this "common sense" way of thinking, Deleuze insists that we think of images as ways of actively producing reality and abandon our belief in the logic of representation. For Deleuze, our images are not transcendent representations of life; they are immanent to life and have creative force within it. Van Gogh, viewed from Deleuze's perspective, does not simply give us a new way of seeing the "Truth" of stars; he actually changes reality by creating a new and different mode of perception that fundamentally alters the object perceived.

### Visual Identity and the Parallax: Is What We See of the Muslim What We Get?

In this section, I will argue that faith in the logic of representation gets us into trouble when we attempt to represent things visually that are not physically visible. The primary focus of this argument will be the image of Muslim identity constructed by the cartoon of Muhammad with a bomb in his turban published by a Danish newspaper. A belief in the logic of representation, when approaching this cartoon, frees one from the need to encounter Muslims and learn about them, because it insinuates that identity can be understood solely through "an unprejudiced gaze."<sup>5</sup> Michel Foucault associated the rise of faith in the gaze, and the consequent faith in the visual with the clinic. Foucault said that the clinic has genealogically passed on the belief to modern culture that "Alone, the gaze dominates the entire field of possible knowledge."<sup>6</sup> It seems that most of the contemporary world still has faith in the gaze as the ultimate source of knowledge (e.g., "seeing is believing"). However, the gaze has its limits. It seems to me that the idea that we could gain perfect knowledge of someone's identity through the gaze is problematic.

The idea of "gazing" at identity is primarily problematic because identity is a rich, complex concept that cannot be adequately expressed through a static picture. Attesting to the complexity of the world and the simplicity of representation, Deleuze said, "Difference is not and cannot be thought in itself, so long as it is subject to the requirements of representation."<sup>7</sup> The second reason

why “gazing” at identity is problematic, and it is tied to the first, is because, with the devout faith modern society has in images, the identity that images attribute to a group, no matter how stereotypical or destructive is generally accepted as accurate. Guy Debord said that the emergence of this faith in images creates a climate in which, “man is more and more, and ever more powerfully, the producer of every detail of his world.”<sup>8</sup> Stereotypes, when accepted, create real ways of relating to, thinking about, and speaking of individual people, rather than simply representing the way an individual that belongs to a group of people “truly” is. Thus, we see that images do not simply represent, but actually *create* identities.

### The Creation of the Muslim

What kind of identity does the Muhammad cartoon create? Foucault performed archaeologies of discourse in order to show that the way things are talked about serves to create “legitimate” knowledge of them. Foucault said, “Discursive formations are constantly becoming epistemologized.”<sup>9</sup> This means that discourse constantly produces and modifies our knowledge of the world. Foucault also came to see that:

Power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.<sup>10</sup>

The power that Foucault sees as inextricably tied to all knowledge most often works to the advantage of those with the privilege of entering into discourse. Foucault writes, “power produces; it produces reality; it produces domains of objects and rituals of truth.”<sup>11</sup> From this perspective, when we “gaze” at an image to obtain knowledge we do not “gaze” at a natural, neutral object, but a dynamic object that has literally been produced by an interplay between discourse and power.

Due to the prominence of the mass media in western culture, the dominant way of entering into discourse is no longer linguistic—it has become visual. Thus, the Muhammad cartoon emerges as a way of entering discourse and consequently constructing knowledge that serves to legitimate the Muslim identity as violent. The way I will approach an analysis of the cartoon and the identity it takes part in constructing will be to ask, following Deleuze, what the cartoon *does*. By dealing specifically with this question, I will be able to set aside questions about what the cartoon *is*. In order to analyze what the cartoon does, I will utilize Foucault’s “double-bracketing” method of archeology

in an attempt to avoid making truth claims about what the image *is*. The purpose of the proceeding sections of this paper is to provide an analysis of the functional deployment of images.<sup>12</sup>

### What the Muhammad Cartoon Does

The first thing that the Muhammad cartoon does is dissolve, or in Deleuzian terms “contract,” the complexities and differences between Muslims. This contraction creates what Deleuze refers to as an “organic representation” of *The Muslim*.<sup>13</sup> The Muslim identity is composed of denominations that differ greatly (such as Sunnis, Shiites, Sufis, etc.), not to mention countless differing individuals, and the Muhammad cartoon creates something of a meta-identity (or in Deleuzian terms an “organic representation”) that subsumes all of these groups, and individuals to its image of *The Muslim*. The image of identity created and reinforced by the Muhammad cartoon inextricably ties Islam to violence. The connection of Islam to violence has undoubtedly resulted in the discrimination against and deplorable treatment of various Muslims across the globe. Moreover, this type of treatment is oftentimes perversely transferred from Muslims to Arabs in general.

The second thing that the Muhammad cartoon does, and it follows from the first, is reinforce an already oppressing apparatus that surrounds the meta-identity of Islam. I am drawing my definition of oppression from the feminist Marilyn Frye, who defines oppression as the confinement and shaping of one’s identity “by forces and barriers which are...systematically related to each other in such a way as to catch one between and among them and restrict or penalize motion in any direction.”<sup>14</sup> Frye refers to this immobilization as the “double-bind.”<sup>15</sup> Being in a double bind is being in a situation in which one is free to make choices, but whatever choice one makes has a negative consequence. The meta-identity of Islam forces Muslims into such a realm of limited choices. When confronted with the violent identity, reinforced by the Muhammad cartoon, Muslims have a limited number of choices: (1) they accept the violent identity associated with Muslims—this choice is an example of what is commonly referred to as internalized oppression,<sup>16</sup> (2) they are forced to defend (usually unsuccessfully) Islam as a non-violent religion to masses of people influenced by the construction of the meta-identity—this often results in the formation of a good non-violent Muslim/bad violent Muslim dichotomy and does little to actually change things, (3) they have to deny their identity as Muslims, denouncing their faith in order to distance themselves from the violent connotations imposed on the Muslim identity, or (4) they can accept a violent past and seek to affirm a nonviolent present and future (but this will probably not work, since the actions of Muslims have, in my opinion, little to do with their identity, partly due to their almost complete exclusion from the discourse that creates their identity). As a consequence of the mass publication of images that link Islam to violence, Muslims are presented with choices in

alignment with Frye's theory of the "double-bind," choices that are not optimal, require hard work, and will most likely not achieve their desired goal. In short, the cartoon both objectifies (in the sense that it creates knowledge about Muslims) and subjectifies (in the sense that it creates violent Muslim subjectivities, which lead to internalized oppression) Muslims and Arabs.

### How the Muslim Identity is Created

At this point, some may doubt the power of the Muhammad cartoon to do all that I have described, and so I would like to examine more carefully the role this cartoon plays in the construction of the Muslim meta-identity. Debord says, "The spectacle proves its arguments simply by going round in circles: by coming back to the start, by repetition...."<sup>17</sup> To follow Debord's argument, it is not the Muhammad cartoon alone that creates the identity, but the cartoon plays an integral part in that creation. Images of violent Muslims are published daily in all media formats, and as Debord suggests, this repetition proves the argument that Islam is violent. Raoul Vaneigem eloquently sums up my concerns when he asks, "Will it need as much bloodshed to show that a hundred pinpricks kill as surely as a couple of blows with a club?"<sup>18</sup>

Those who view the cartoon in isolation from its reinforcements and repetitions are looking at the cartoon microscopically. Frye suggests that analyzing oppression microscopically is analogous to examining one bar of a birdcage and wondering why the bird cannot escape. A macroscopic analysis forces one to explore the intricacies of the birdcage, to see where the bars interlock, and how they prevent the bird's escape.<sup>19</sup> (PR, 7-10). Similarly, a macroscopic analysis of the Muhammad cartoon must take into account all of the various instances of media that interlock with the Muhammad cartoon in order to form a cage of violence around Islam. Some examples of the interlocking of media include: the Pope's comments about Islam as violent; U.S. President George W. Bush's comments about "evil doers," "Islamic extremists," and "Jihadists"; almost all reports of insurgency in Iraq or international instances of terrorism on cable news networks such as CNN, Fox News, BBC, and MSNBC; much of the campaign rhetoric employed during recent elections within the United States; the epic graphic montages of gun-toting veiled Arabs that, on most cable news networks, lead into every segment on the "war on terrorism"; the January 22, 2007, edition of *Newsweek* which features an Arab child holding a gun blazoned with the caption, "The Next Jihadists"; recently made box-office breaking movies about terrorism that emphasize the huge role the Islamic faith plays in acts of terrorism, such as *United 93*; widely watched television dramas, such as FOX's *24* and CBS's *NCSI*, which frequently feature Arab terrorists as the main antagonists; the widely watched FOX animated comedy *American Dad* which constantly features Arabs in stereotypical terrorist roles; videogames, in which the player assumes the identity of a soldier fighting

off Arab terrorists; NBC's critically acclaimed docudrama, *The Office*, in which a regional manager is frightened by and suspects that an Arab software-engineer is a terrorist that has come to destroy the office, *and* probably most effective is the simple, water-cooler talk about living in a post-9/11 world, the war in Iraq, and other recently aired news stories of violent Islamic terrorism.<sup>20</sup> As this expansive, yet extremely limited list shows, the Muhammad cartoon is but one of a series of images produced by the media that works to tie Islam to violence.

### The Creation of the Cage

The creation of the cage around Muslims is the direct product of discourse (both verbal and visual). Foucault was generally leery about using the concept of ideology primarily because "like it or not it always stands in virtual opposition to something else which is supposed to count as truth."<sup>21</sup> I am not so leery. But, I would like to clearly define what I mean when I utilize the concept. I do not want to invoke traditional Marxist ideology, primarily because it is understood as unified within the state institutions. I will instead invoke a unique conception of ideology heavily influenced by Louis Althusser.<sup>22</sup> The part of Althusser's theory of ideology I will be primarily concerned with is his theory of the Ideological State Apparatus (ISA). Althusser says that the ISA is composed mostly of private institutions and includes "Churches, Parties, Trade Unions, families, some schools, most newspapers, cultural ventures, etc."<sup>23</sup> In order to show how these disparate, seemingly divided private institutions are united, Althusser says, "If the ISAs 'function' massively and predominantly by ideology, what unifies their function is always in fact unified, despite its diversity and its contradictions, *beneath the ruling ideology*, which is the ideology of the 'ruling class.'"<sup>24</sup> For Althusser, similar shared ideologies are enough to link together institutions that on a superficial level seem divided. Although Foucault initially rejects the concept of ideology, Althusser's conception of ideology seems to be quite similar to the way Foucault describes the tie between seemingly divided discourses when he says, "they arose simultaneously to follow their separate ways, but our task is to trace their common genealogy."<sup>25</sup> I think one could effectively argue that Althusser's common ideology is close to analogous with Foucault's common genealogy. A conception of ideology derived from the intersection of Althusser, Deleuze, and Foucault and applied to the Muhammad image would expose an ideology that does not obscure the "Truth," but instead obscures the function of the image by overemphasizing its content.

It makes sense that the "ruling class" would have the most power in the discursive production of knowledge, and through a common genealogy or common ideology the ruling class utilizes the ISA in order to monopolize discourse, effectively excluding most Muslim voices from being heard, and maintaining its position as the ruling class. One would be extremely hard pressed to

find, within western media, any pictures of Muslims portrayed in a positive light as doing something peaceful. And, even if these sorts of pictures did exist, they would be assumed to represent the “good” Muslim, and would not eliminate or call into question the belief in the existence of the “bad” Muslim.

### **Toward a Genealogy of Islam or Why Muslims?**

Foucault insists that everyone has some amount of power, but that does not mean that everyone has equal power. The distribution of power is, paradoxically, the product and the genesis of discursive knowledge production. The question is, how did Muslims end up with so little power, and how did the west end up with so much? Foucault says,

The archeological description of discourses is deployed in the dimension of a general history; it seeks to discover that whole domain of institutions, economic processes, and social relations on which a discursive formation can be articulated; it tries to show how the autonomy of discourse and its specificity nevertheless do not give it the status of pure ideality and totally historical independence; what it wishes to uncover is the particular level in which history can give place to definite types of discourse, which have their own type of historicity, and which are related to a whole set of various historicities.<sup>26</sup>

In Foucault’s view, discourse is the autonomous result of various accidental intersections between institutions. According to Foucault, coincidental occurrences led to the western dominance of military power, discourse, and the production of knowledge.<sup>27</sup>

Although coincidental occurrences may have led to western domination, the western world willfully choose to demonize and exclude the Other from discourse. Given the western dominance over knowledge production, we should look to our present, and ask, why does the west need the Muslim enemy? One such necessity can be attributed to the economic system of the west, i.e., capitalism. Capitalism tells a story about the necessity of competition for progress, but in order for capitalism to progress it needs to have something to compete with (rather than just the competition between capitalists), or at least the illusion of competition. Slavoj Žižek emphasizes capitalism’s need for competition, when he says that capitalism needs “the evocation of the external enemy...to displace the focus from the true origin of tensions, the inherent antagonism of the system....”<sup>28</sup> Christianity, the most prevalent religion in the west, can also be seen as a social system with an inherent necessity of competition. Christianity tells a Manichean story of good vs. evil. The Christian narrative names itself the good, and so it necessarily needs an evil to battle. Politically, democracy

also has needs competition. There have to be various competing parties and candidates in order for a democracy to even matter. Liberal individualism also necessitates competition, although this may be reducible to capitalism. The commonly accepted, pseudo-scientific theory of social Darwinism also helps to reinforce the western narrative of necessary competition. The modern idea of man necessarily extrapolates man as a being outside of the becoming of life and creates various other beings with which man is in competitive relationships. I am quite sure this list could go on, but the main point is that nearly every western mode of thought has within it and passes on a story of the inherent need for competition. This is not to say that non-western societies do not have certain types of competition inherent within their narratives. My goal here is simply to point out the coherence of these seemingly divided western narratives.<sup>29</sup> Thus, we have found our common ideology (the dominance of the ruling class, in this case the west) and our common genealogy (the necessity of competition).

In the recent past, the necessary adversary of advanced industrial capitalist societies in the west was communism. Communism was an excellent adversary because most western institutions could easily find something to disagree with communism about. Unfortunately, the west had not yet perfected the eternal war, and they crippled their enemy far too quickly to the point that communism was no longer worth being considered competition.

After the fall of communism, the west quickly scrambled to find a new adversary and unfortunately chose Islam. Debord, in 1988, almost prophetically envisioned the future of the western society of the spectacle when he said, "Such a perfect democracy constructs its own inconceivable foe, terrorism."<sup>30</sup> Debord, however, missed the importance of the Christian religion to the west and failed to realize that constructing simple "terrorism" as a foe would not fulfill all of the necessities for competition. The west quickly improved upon Debord's "inconceivable foe" to meet all of its necessities and violent Islamic terrorism was born.

The similarities between western representations of communism and Islam, can lead one to conclude that the world has effectively been reduced to nothing but uncreative repetition. This was the conclusion that French philosopher Jean Baudrillard drew. Baudrillard says, "We are no longer in the society of the spectacle, of which the situationists spoke..."<sup>31</sup> Instead, we find ourselves in "A hyperreal henceforth sheltered from the imaginary, and from any distinction between the real and imaginary."<sup>32</sup> Most events that occur are simulacra, a copy of a copy. Everything is simple repetition that just reinforces the status quo, the power of the ruling class, and limitations on life. If we inadvertently defeat our ultimate evil enemy too quickly (as we did communism), no big deal, the role of the evil enemy is easily replaceable (in this case the communists were replaced with the Muslims). Nothing of significance has changed about the world in recent history. The roles remain the same, they are just played by new actors, and the ruling class maintains their position as the



ruling class. The Muhammad cartoon plays a part in ensuring the constant repetition of these events by ensuring that Muslims are still thought of as a dangerous, violent enemy of the west. The poststructuralist comes to see that if there is such a thing as violent Islam it is because society, both non-Muslim westerners and Muslims from all regions who have internalized oppression, have created it. At this point, it seems pertinent to note that this paper actually functions as a criticism of the entire premise of this conference. The idea of arguing over whether individuals should be free to speak and represent the world however they see it functions as what I have called ideology. That is to say, that it conceals the fact that our speech-acts (both verbal and visual) actually create the world we perceive and live in, and do not simply represent it.

### How the West *Uses* its Enemy

The west has a peculiar way of defining itself and legitimating the evil of its opposition. The tactic the west employs for this task is “queering.” David Halperin says that “Queer is by definition *whatever* is at odds with the normal, the legitimate, the dominant.”<sup>33</sup> Vaneigem, referring to those whom Halperin defines as queer, writes, “Those whom Power can neither govern nor kill, it taxes with madness. The category includes extremists and megalomaniacs of the role, as well as those who deride roles or refuse them.”<sup>34</sup> The west often employs rhetoric of “Muslim extremists,” but rather than accuse Muslims of insanity, it seems that the west usually just defines Muslims as evil because of their (constructed) propensity for violence. When Muslims are defined as evil, it allows the west to define itself, in opposition to Muslims, as good; thus, the west becomes the “city on the hill,” the “world police.” As a result, American citizens rarely see their own government’s acts of international state-sponsored terrorism.<sup>35</sup>

### Freedom of Expression

A countless number of people have invoked the simple phrase “freedom of expression” in order to rescue the Muhammad cartoon from criticism. Most “defenders” make arguments that focus on what the cartoon *is* (satire, a joke, etc.). This is not my concern. I am only analyzing what the cartoon *does*, and in my view, what the cartoon does is deplorable. Although, at this point, I must concede that it is probably quite correct to say that either all content is legally permissible or none is, but part of my argument is that legal permissibility does not always equate to ethical permissibility. My argument is that the content of all messages is and should be legally permissible, but the function of some images is ethically deplorable, and those images that function in ethically deplorable ways must be criticized.

The argument against criticism of this cartoon is quite often that it is a “slippery slope to censorship.” I do not advocate censorship. I see myself as an intellectual and iconoclast. Of iconoclasts, Baudrillard says, “One can see that the iconoclasts, whom one accuses of disdain and negating images, were those who accorded them their true value, in contrast to the iconolaters who only saw reflections in them and were content to venerate a filigree God.”<sup>36</sup> I do not hate images or “freedom.” But, I do champion the destruction and criticism of all images that limit what a life is capable of. At this point, defending the Muhammad cartoon under “freedom of expression” is really defending the west’s right to monopolize expression. Unless we can make discourse rich, filled with innumerable voices speaking thousands of different languages, I will advocate a rebellion against the west’s monopolization of visual (and verbal) discourse. This rebellion can be carried out in several ways, but practical examples could include: writing a critique of some specific instance of the ISA’s system in action; refusing to be a spectator of the media; talking to your friends, teachers, students, colleagues, or family about these issues; “detournment[ing]...preexisting aesthetic elements”<sup>37</sup>—the tactic of rebellion advocated by Situationists. People refuse to eat meat everyday not because they are morally opposed to the slaughter of animals for food, but because they are morally opposed to the way the animals are raised, taken care of, and then slaughtered; the rebellion I am advocating is something akin to this. I do advocate a rebellion in which the rebels refuse to consume the images of the media. However, in place of consumption, the rebels would manipulate the media’s images through detournment and critique the media’s use of images, not because the rebels are morally opposed to images, but because they are morally opposed to the ways the images are deployed, the ends that they serve, and the destructive results of the identities they create. I advocate a rebellion that provokes a need and desire to think differently from our common sense western modes of thought that almost all presuppose competition.

The rebellion I advocate is theoretically rooted in Albert Camus’s ethic of rebellion. For Camus, “rebellion is consecrated in the name of moderation and of life.”<sup>38</sup> Camus’s rebellion has at its heart what is at my heart, the opening up and enrichment of discourse. Camus wrote, “Monologue precedes death.”<sup>39</sup> This implies the necessity of opening up discourse into dialogue for the continuation of life. The opening up of discourse to the point where power is as equally distributed as possible and as many voices are heard as wish to be is a necessary step in overcoming oppression. Camusian rebellion is about a diverse bonding together on the basis of affirming life, as Camus wrote, rebellion is about “unity and diversity.”<sup>40</sup> Rebellion creates a sacred bond, in which selfishness is dissolved, and all of life takes part in the battle to end oppression, this kind of solidarity is epitomized when Camus writes, “I rebel-therefore we exist.”<sup>41</sup> It seems that the Muhammad cartoon and the entire cage of the ISA’s oppression of Muslims is a worthy target for Camusian rebellion. Such a complex apparatus must be dismantled, piece-by-piece, and I chose the

Muhammad cartoon as my starting point, although, this should not imply that the Muhammad cartoon is the most important part to be dismantled. What this essay should imply is that the dismantling of the west's oppressive images cannot stop here. We must work together, in solidarity, diversity and rebellion to dismantle the entire oppressive apparatus in order to liberate the life that it imprisons.

### **The Responsibility of Intellectuals**

In conclusion, I would like to explore the responsibilities of intellectuals in situations such as the publication of the Muhammad cartoon. Lorraine Code defines a teacher as a friend, someone who is not an authority, but a facilitator of knowledge.<sup>42</sup> I would like to take this a step further and give the intellectual the same status. Intellectuals quite often are in influential positions, whether they are professors, authors, mentors, parents, or neighbors (and I am quite sure the list goes on), and their responsibility as intellectual people who hold influential positions is to be a friend to all, especially the oppressed. This responsibility extends beyond humanity to all forms of life. As friends of life, intellectuals have the overwhelming ethical responsibility to do all that is within their power to raise social consciousness and liberate life.

In the context of the Muhammad cartoon, I would like to suggest that the intellectual is responsible to be a friend in two ways. First, the intellectual is responsible to be a friend to the Muslims by rebelling against their oppression. Second, the intellectual is responsible to be a friend, in Code's sense, a facilitator of knowledge about the oppression of Muslims, to all those with whom he or she has a relationship. Camus wrote, "not giving in to hatred, not making concessions to violence, not allowing our passions to become blind—these are the things we can still do for friendship..."<sup>43</sup> Being a friend entails a great amount of responsibility and work. The intellectual is a friend to life and this friendship includes the great responsibility to rebel against all that limits what a life is capable of. With this definition in mind, I think we can easily say that it is the responsibility of the intellectual to rebel against the Muhammad cartoon. However, not everything is a battle, for as mentioned in the very beginning of my paper, a good friendship is one of the most rewarding things in life.

## Notes

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<sup>1</sup> This paper is very much a rewarding product of friendship. As such, I would like to thank those who proofread this paper and provided me with valuable suggestions for improvement (in alphabetical order): Dr. Bruce Janz, Dr. Shelley Park, and Dr. Michael Strawser. Thank you all for the help on this paper and the valuable knowledge you have imparted to me both in and outside the classroom.

<sup>2</sup> I realize that the “western” and “the west” are somewhat unstable signifiers. When I use the term, I am primarily referring to the United States of America, Canada, New Zealand, Australia, and the countries of Western Europe (the United Kingdom, France, Denmark, etc.).

<sup>3</sup> Martin Heidegger, *The Question Concerning Technology, and Other Essays*, translated by William Lovitt (New York: Harper Perennial, 1982), 130.

<sup>4</sup> Nicholas Mirzoeff, *An Introduction to Visual Culture* (New York: Routledge, 1999), 1.

<sup>5</sup> Michel Foucault, *The Birth of the Clinic*, translated by A. M. Sheridan Smith (New York: Random House, 1994), 195.

<sup>6</sup> Foucault, *The Birth of the Clinic*, 167.

<sup>7</sup> Gilles Deleuze, *Difference and Repetition*, translated by Paul Patton (New York: Columbia UP), 1995, 262.

<sup>8</sup> Guy Debord, *The Society of the Spectacle*, translated by Donald Nicholson-Smith (New York: Zone Books, 1995), 24.

<sup>9</sup> Michel Foucault, *The Archeology of Knowledge*, translated by Rupert Swyer (New York: Pantheon, 1972), 195.

<sup>10</sup> Michel Foucault, *Discipline and Punish*, translated by Alan Sheridan (New York: Random House, 1991), 27.

<sup>11</sup> Foucault, *Discipline and Punish*, 194.

<sup>12</sup> Hubert Dreyfus and Paul Rainbow describe Foucault’s archeological method as “double-bracketing” because they insist that Foucault, like the phenomenologists, “bracketed the legitimacy of context-free truth claims,” but went farther than the phenomenologists by bracketing the belief in his own “sense.” Dreyfus and Rainbow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: Chicago UP, 1983), 50-51.

<sup>13</sup> Deleuze, *Difference and Repetition*, 34.

<sup>14</sup> Marilyn Frye, *The Politics of Reality* (Berkeley: The Crossing Press, 1983), 4.

<sup>15</sup> Marilyn Frye, *The Politics of Reality*, 3.

<sup>16</sup> Internalized oppression is when an oppressed person internalizes the stereotypes that oppress them, and act in ways that serve to legitimate the stereotype.

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<sup>17</sup> Guy Debord, *Comments on the Society of the Spectacle*, translated by Malcolm Imrie (New York: Verso, 2002), 19.

<sup>18</sup> Raoul Vaneigem, *The Revolution of Everyday Life*, translated by Donald Nicholson-Smith (London: Red Press, 1994), 24.

<sup>19</sup> Marilyn Frye, *The Politics of Reality*, 7-10.

<sup>20</sup> This list of examples helps to illustrate the reasons why and how one can talk about the Muhammad cartoon without reference to its context of creation (what it *is*). I could easily have written this entire essay about any of the examples cited above without having to change much content. In this sense, my paper does not really talk about the Muhammad cartoon. Rather than speak about the Muhammad cartoon, I utilize the Muhammad cartoon as a kind of microphone to speak through. The real subject of this paper is the way that contemporary western societies legitimate their enemies. The question which I have been trying to answer throughout this paper is a question about the discursive strategy that westerners use to understand their enemies. The question I hope that this paper leaves the reader with is: are the better ways of understanding our enemies than popular media images?

<sup>21</sup> Michel Foucault, *The Foucault Reader*, edited and translated by Paul Rabinow (New York: Pantheon, 1984), 60.

<sup>22</sup> I know that it may appear quite odd to bring Althusser, a theorist that is traditionally looked at as a structural Marxist, into a poststructuralist critique, but I believe that Althusser, if his concepts are deployed in the right manner, is as much a structuralist as Foucault was in his early days of archeology.

<sup>23</sup> Louis Althusser, *Lenin and Philosophy*, translated by Ben Brewster (New York: Monthly Review Press, 2001), 97-98.

<sup>24</sup> Althusser, *Lenin and Philosophy*, 98.

<sup>25</sup> Foucault, *The Foucault Reader*, 90.

<sup>26</sup> Foucault, *The Archeology of Knowledge*, 164-165.

<sup>27</sup> For an insightful history of these accidental coincidences that led to western dominance see Jared Diamond's *Guns, Germs and Steel* (New York: W.W. Norton, 2005).

<sup>28</sup> Slavoj Žižek, *Welcome to The Desert of The Real* (New York: Verso, 2002), 154.

<sup>29</sup> At this point, one could accuse me of "doing bad history," something of which Foucault was often accused. It could be said that I ignore important historical issues such as the Israel/Palestine conflict, but I am not doing hard history as we normally think of it. Foucault was appointed professor of the history of systems of thought, and systems of thought are exactly what I am interested in and alluding to by providing these examples. I am not so much interested in the

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physical hard history that led up to the present, I am interested in the various narratives that we, as regular people, employ in everyday life in order to make sense of the world. It is my belief that the narratives we use to make sense of the world, at least in part, create the physical events that hard historians study. For this reason, I do not think I am doing “bad” history per se. In my view, I am doing a different kind of history (a kind of history Foucault was fond of calling genealogy). I believe that both kinds of history are valuable, but different (not better or worse, just different).

<sup>30</sup> Debord, *Comments on the Society of the Spectacle*, 24.

<sup>31</sup> Jean Baudrillard, *Simulacra and Simulation*, translated by Sheila Faria Glaser (Ann Arbor: U of Michigan P, 1994), 3.

<sup>32</sup> Baudrillard, *Simulacra and Simulation*, 3.

<sup>33</sup> Niki Sullivan and David Halperin, *A Critical Introduction to Queer Theory* (New York: UP, 2003), 43.

<sup>34</sup> Vaneigem, *The Revolution of Everyday Life*, 137.

<sup>35</sup> See Noam Chomsky, *Failed States* (Metropolitan Books, 2006) or *Hegemony and Survival* (Metropolitan Books, 2003) for a good exposition of United States sponsored terrorism.

<sup>36</sup> Baudrillard, *Simulacra and Simulation*, 5.

<sup>37</sup> Jorn Aseger, *The Situationist International Anthology*, edited and translated by Ken Knabb (Berkeley: Bureau of Public Secrets, 1981), 45.

<sup>38</sup> Albert Camus, *The Rebel*, translated by Anthony Bower (New York: Random House, 1991), 305.

<sup>39</sup> Camus, *The Rebel*, 284.

<sup>40</sup> Albert Camus, *Resistance, Rebellion, and Death*, translated by Justin O'Brien (New York: Random House, 1988), 243.

<sup>41</sup> Camus, *The Rebel*, 22.

<sup>42</sup> Lorraine Code, *What Can She Know? Feminist Theory and the Construction of Knowledge* (Ithaca, N.Y.: Cornell UP, 1991), 37.

<sup>43</sup> Camus, *Resistance, Rebellion, and Death*, 63-64.

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Nancy Nicol, *York University*

## **Politics of the Heart: Recognition of Homoparental Families**

In 2002, the Quebec National Assembly voted unanimously to extend equal parenting rights and recognition to same-sex parents. This paper draws on my research for my documentary film: *Politics of the Heart* (2005, 68 minutes), a moving portrait of the parents and their children who were at the forefront of the movement in Quebec. This work provides an in-depth look at the broad-based social movement that led to same-sex parenting rights and recognition, same-sex marriage and civil union in Quebec.

## Politics of the Heart: Recognition of Homoparental Families

*Nancy Nicol, York University*

This paper will expand upon my research in creating the documentary *Politics of the Heart*, which explores the social movement in Quebec that led to the recognition of same sex relationships, same sex marriage, and recognition and rights for same sex parents. There has been a sea change in the status and rights for lesbians and gay men in Canada during the past decade. In June 2002, the Quebec National Assembly voted unanimously to create civil unions open to heterosexual and homosexual couples and to revise the filiations provisions of the Civil Code, extending equal parenting rights and recognition to same sex parents (Bill C-84). In July 2005, Canada became the fourth country in the world to legalize same sex marriage. Yet, prior to 1995, little existed in terms of any forms of relationship recognition for lesbians and gay men in any jurisdiction in Canada. The early 1990s in Quebec witnessed a wave of police violence against homosexuals; in 1994 in Ontario, a bill to recognize same sex relationships was defeated in a storm of homophobic backlash; and in 1997 in British Columbia, despite the incremental adoption of legislation recognizing same sex relationships, a major controversy broke out when the local Surrey School Board banned three children's books that depicted same sex parents. These contrasting scenes form the bookends of a critically important period in LGBT social movement politics in Canada. From 1995 to 2005, the movement was forever altered by engagement with legal reform and by sweeping changes in public policy that went far beyond the expectations of the early nineties, opening up new questions for today.

Lesbianism and homosexuality have been seen as a violation of social expectations and norms; so much so, that seventy-six nations still maintain criminal sanctions against homosexuality and many states in the United States have enacted measures banning same-sex marriage. During the early years of gay liberation in Canada, the courts treated lesbianism as grounds to be declared an unfit mother and, in an inverse of the traditional (and essentialist) assumption that in the case of a dispute over custody the child was always best placed with the mother, many lesbians lost custody of their children or lived in fear of losing custody of their children. Reflecting to some extent the pressures imposed by the legal and social illegitimacy of homoparental families, earlier studies on lesbian and gay parenting in the United States and Canada emphasized the ways in which lesbian or gay male parents are the "same" as heterosexual parents. As same sex parents have gained rights and recognition, more recent studies have begun to look at what makes same sex families different (Epstein 2004).

In Quebec, where *Politics of the Heart* was filmed, a well-organized lesbian community has existed in Montreal for the past thirty years and participated in the women's movement including being involved in the establishment of women's health care services, pro-choice organizations, and clinics. Throughout that time, lesbian mothers' organizations remained small support groups, principally made up of mothers who had divorced a man and who lived in a reconstituted family with their children. The issues of that period were custody rights in divorce cases, invisibility, social stigma, isolation, and shame (Demczuk, Chamberland, Caldwele 2004).

In October 1998, the Lesbian Mothers Association of Quebec was founded. In the course of its existence, it has proven to have a very different history compared with the earlier lesbian mothers' support groups. From the sixty women who responded to a call for the founding meeting, the Lesbian Mothers Association grew to represent nine hundred lesbian and trans-parented families throughout Quebec by 2005. The issues for these women were reproductive rights, access without prejudice to fertility clinics, the ability to negotiate their lives in relationship to known sperm donors or as three-parent families, and recognition and legal rights for both mothers (since only the birth mother was accorded any status in law in relation to the child). Initially, the Lesbian Mothers Association acted as a support group, but very quickly it became a political organization, reflecting a higher level of confidence and sense of entitlement. As *Politics of the Heart* documents, the Association was central to the fight for same-sex parenting recognition. It has also played an important role in the establishment of a gay men's parenting network called "Papas and Daddies" in 2005 and a multi-ethnic LGBT group called "Multi-Mundo" (Greenbaum 2005).

Reflecting this greater sense of entitlement, Mary Lamey, who was a member of the Political Action Committee of the Lesbian Mothers Association, states:

Once you decide that you're going to live as a lesbian, you've already thrown off what the world's expectations are, right! The world already says that you shouldn't be a lesbian. So once you've crossed that frontier, you've made a decision. Are you going to not have children because the world says you shouldn't have children, that this is some sort of social experiment? No, you know who you are, and you know what your motivations are. And . . . the world is not always a kind place [and] you want your kids to be safe in the world; then, the world's got to change, not your kids (Lamey 2004).

The ways in which relationship recognition, parenting rights, and same sex marriage have unfolded in Canada are multifaceted, with unique histories in different parts of the country. This is particularly the case in Quebec, with its distinct linguistic, cultural, and political identity, and legal traditions. Quebec has a very high level of trade unions and feminist organizations, which is in part

linked to its history of national self-determination. Membership in public and private sector unions is one of the highest per capita in North America. The Confédération des syndicats nationaux (CSN) / National Trade Union Confederation, a federation of all the Quebec unions, as well as the Fédération des femmes du Québec / Quebec Women's Federation, a province wide organization of women, play an important role in Quebec society, and have had a significant impact on the context and outcome of the struggle for LGBT rights (Lagacé, Demczuk, McCutcheon 2004).

The individuals featured in *Politics of the Heart* were at the forefront of the movement to win same sex parenting rights, relationship recognition, and same sex marriage in Quebec (see Appendix below for notes on the subjects). They represent three inter-connecting aspects of this history as it unfolded from illegality to equality: the grass roots organizing of lesbian mothers including the first couple to launch a lesbian mothers adoption case in Quebec (Greenbaum and Paquette); the first couple to file a successful marriage challenge in Canada (Hendricks and LeBoeuf); and two coalitions that played key roles in the struggle for equal rights and same sex relationship recognition: La table de concertation des lesbiennes et gais du Québec / The roundtable of lesbians and gays of Quebec, a coalition of lesbian and gay organizations in Quebec, and La coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe / The Quebec coalition for recognition of same sex relationships, a broad based coalition that includes trade unions and women's organizations throughout Quebec.

The Federation of Women of Quebec is one of the oldest and largest feminist organizations in Quebec, with regional councils located throughout the province. In the 1990s there were approximately eighteen hundred women's groups and individual members in the organization. In 1995, The Federation of Women of Quebec organized The Bread and Roses March to demand an end to poverty for women. The Bread and Roses March was an extraordinary event, organized throughout the province of Quebec with roughly five hundred thousand women traveling by foot to the National Assembly in Quebec City. The government agreed to meet with them and they succeeded in making some significant gains, notably, the raising of the minimum wage, indexation of benefits for people living on social assistance, and supports for immigrant women (Demczuk, Caldwele 2004).

It was in this context that Irene Demczuk and others formed a committee for recognition of lesbian rights in the Federation of Women. For Demczuk, as an activist in the Federation during this time, there was, as she describes it: "an extraordinary paradox [since] four fifths of the organizing committee of the Bread and Roses March were lesbians but we were not able to speak in a collective voice to say we would also like to add to the list of demands a demand for equality for lesbian women." So, in September 1995, during the general meeting of the Federation following the Bread and Roses March, Demczuk demanded the support of the president of the Federation, Françoise

David, to launch the Committee for the Recognition of Lesbians in the Quebec Federation of Women. This committee worked very intensively between 1995 and 2000 to build support for lesbian rights within the women's movement in Quebec. This work laid the groundwork for the support from the Federation of Women when they were asked to join La coalition québécoise des conjoints et conjointes de meme sex (the Quebec coalition for the recognition of same sex couples in 1998). The president of the Federation of Women presented a paper supporting relationship recognition for same sex couples and same sex parenting rights and recognition to the Parliamentary Commission hearing in 2002 and appeared before the media to defend the demand for recognition of lesbian and gay parenting rights and relationship recognition (Demczuk, Caldwele 2004).

Beginning in the mid 1980s, there was work being done in the trade union movement to combat discrimination and to integrate lesbian and gay rights into collective agreements as well as to develop support for human rights and equality in society. The submission made by the CSN to the Parliamentary Commission in 2001 demonstrated years of work that had been done by the CSN on the question of recognition of same sex couples. The CSN's presentation to the Parliamentary Commission hearings supported the recognition of families and parenting rights for same sex couples. As well, significantly, they argued with the Justice Minister that civil unions should not be established for homosexuals, as was originally proposed in the preliminary legislation, as that would create a segregated status; but rather, the CSN argued, civil unions should be open to anyone regardless of their sexual orientation (Lagacé 2004).

On November 8, 2001, the Quebec government released a "White Paper" on preliminary legislation to introduce a limited form of civil union for same sex couples (*Le Devoir* 1). The proposed legislation provided hospital visitation rights and some benefits for same sex couples, but fell far short of equal rights and recognition of same sex relationships and contained nothing with regard to same sex parenting rights and same sex adoption. La coalition, which had been asking for a meeting with the Justice Minister for months, reacted with outrage at the limited extent of the proposed legislation and demanded and got a meeting with the Minister of Justice, Paul Bégin. At that meeting, Bégin agreed to hold a public Parliamentary Commission, which would accept presentations on the proposed legislation. The LGBT community and La coalition – including their allies in the trade union movement and the Quebec Federation of Women – responded by organizing an extensive public campaign and preparing papers and organizational presentations for the Parliamentary Commission. In particular, members of the Lesbian Mothers Association launched a press campaign to raise awareness in Quebec on the need for recognition and rights for same sex parents. Mona Greenbaum describes their campaign and the impact of the widespread media attention it captured:

People realized that we exist. I don't think people knew that we existed before that. I mean, we, back in 1998, we didn't know that we existed! So, you know, all of a sudden it came into the public domain about lesbian parents. So there were a lot of interviews and a lot of debating back and forth whether or not we should have rights as parents. I think Quebec society had evolved enough to that point where the majority of people were very clear that couples, gay and lesbian couples, should be recognized; but when it came to kids, it was very "iffy." People didn't know. The group had gone from being just a social and support group, an information group, to being a political group. And those women were very involved and they knew that we were fighting for something very important that was going to affect all of us on a very personal level (Greenbaum 2004).

Irene Demczuk, acting as the coordinator and the spokesperson for La coalition decided that in addition to testimonials from organizations and professionals the National Assembly should also hear from the children of lesbian and gay parents, and so she asked three youths who had been raised by lesbian or gay parents to present their perspectives to the Parliamentary Commission. The testimony of the three youths proved to be a turning point in the hearings. In her testimony to the Commission, Annick Gariépy revealed to the Assembly that her mother had always hid her lesbianism and that even on the day of her testimony her mother did not know she would be testifying before the Commission. She then went on to explain to the Assembly why they should vote to extend parenting rights and recognition to lesbians and gay men:

My mother is a mother who is there for me, who has given the best of herself. She is encouraging, attentive, available, devoted: all the qualities that a mom should have. As I was saying earlier, it has only been four or five years since I started to reconcile myself with my mother's sexual orientation. I stopped feeling humiliation to have a parent often associated with pedophilia, abnormality – a parent seen as outside the norm. I often asked myself, and this is in my testimonial, how could a feeling as noble and as beautiful as love have inspired in me feelings as devastating as shame? As a child I was mortified by this situation. Continuing to play ostrich and denying them rights normally recognized for heterosexual parents constitutes more of a menace to the family than could ever be the inverse, contrary to what some may think. How could giving all of one's love and dedicating your life to a child be a menace to society or to the family? Why ask gays and lesbians to renounce a part of their humanity in the name of this difference? (Nicol 2004).

Following the Parliamentary Commission, Justice Minister Paul Bégin rewrote the legislation, establishing civil union for both heterosexual and homosexual couples in Quebec, extending to civilly united couples the same rights as married couples (as marriage is Federal law, Quebec could not change the marriage Act) and modifying fifty-four laws to revise the Civil Code of Quebec to establish new assisted procreation rules and adoption and parenting rights for same sex couples. For the first time in Canada, lesbian mothers would have the right to sign the birth certificate upon the birth of their child and would not have to go through a process of co-parent adoption in order to secure parenting recognition for both parents. Approximately fifty members of La coalition, including the Lesbian Mothers Association with their children, attended the vote (it was the first time that children were allowed into the National Assembly during a vote on legislation) and witnessed as the National Assembly members rose and voted unanimously and without abstentions to support the legislation.

In 2004 and 2005 I toured across Canada to New York and Massachusetts conducting over three hundred hours of interviews with same sex couples, lawyers, and activists in the forefront of these battles. My research included key litigant couples in the same sex marriage cases in Canada as well as couples and marriage officiants who participated in marriage ceremonies as an act of civil disobedience in upstate New York and New York City during May and June of 2004. Couples spoke about their exclusion from marriage as confirmation that their relationships were not viewed as equal and deserving of recognition. Those at the forefront of the struggle in Canada were also very conscious that they already had access to same-sex benefits and pensions under common law. For them, the denial of marriage reinforced a stigma of inequality. Others spoke about the ways in which the lesbian and gay community had substituted as a family, as a network of aunts and uncles, or – as Michael and René talk about in the founding of the AIDS Memorial park in Montreal – as providing a place to mourn the loss of loved ones in a context where their relationships were denied. Some couples were interested in the symbolic or religious aspects of marriage; some spoke of their rights to participate in the sacraments of their church. On the other hand, some couples were not particularly interested in the trappings of marriage, but rather were focused on the question of equality. Michael Hendricks and René LeBoeuf quite consciously deployed the symbolism of marriage in an irreverent, yet, political manner. Michael Hendricks states:

We never had wedding bell blue blues. We never wanted a church wedding or all that stuff that people talk about. For us, it was a human rights question. It was a question of equality and social integration. However, with the years we've learned quite a lot about costume. We went on a program with some celebrity where she presented us with a wedding cake and to our utter amazement the audience ate it up. And she told us, "you're those two guys," and

there was the two plastic guys on the top of the cake in high hats and tuxedos. So we tried to make our issue interesting. It never flew as an intellectual idea but as a costume piece it works very well. So you will see that we always appear in public as the guys on the top of the cake (Hendricks 2004).

There has been much debate within the LGBT movement and in feminist and progressive organizations over the question of lesbians and gay men seeking the same rights and recognition of their relationships and families as heterosexuals, particularly with regard to same sex marriage. Some feminists have expressed feeling torn between their recognition of same sex marriage as a question of equality and their critique of marriage as an institution that is, in and of itself, inequitable (see also Ferguson 2007). Much has been written that has addressed the “normalizing” power of marriage and its perceived detrimental impact on the lesbian and gay movement as a movement that has emphasized sexual liberation. Others express concern that same sex marriage will create a divide between “good queers” and “bad queers” (Warner 1999).

It is important to note some distinctions in the context between Canada and the United States. In 2000, the federal government of Canada passed the Modernization of Benefits and Obligations Act, which extended to same-sex couples all of the material rights and benefits within common law relationships. Moreover, the Act leveled any distinctions between common law and marriage with regard to tangible benefits, in part, in an effort to preserve marriage as a heterosexual institution (McCarthy, Lahey, Elliott 2004). The recognition of same sex relationships in common law significantly changed the context in which the same sex marriage battle emerged in Canada as compared with the status of marriage as an institution in the United States, where roughly a thousand rights and benefits accrue to marriage at the federal level alone (Bumgardner 2004). In Canada, litigants as well as key lawyers involved in Charter litigation seeking equality for lesbians and gay men perceived the extensive structures of family and common law as indices of citizenship (Lahey, McCarthy 2004). By the time the same sex marriage battle was launched in Canada, gay men and lesbians had already gained access to equal rights and benefits and were recognized in common law in all aspects of their relationships except marriage. In that sense, the battle for same sex marriage in Canada was highly symbolic, and the approach of establishing some form of separate structure for same sex couples while maintaining marriage as a heterosexual institution was more sharply delineated as a “separate but equal” approach that kept in place second class status for same sex couples.

In her book *The Cultural Politics of Love and Law*, Kathleen Hull talks about the cultural power of law used to frame claims of injustice and to develop strategies of political resistance. Her study, conducted prior to 2003 in the United States and based on interviews with couples regarding their



attitudes towards public commitment ceremonies in a context where same sex marriage was illegal, resonated with my own research in some interesting ways. Hull reads commitment ceremonies in the United States as enacting legality through cultural practices; as she states, “culture is made to do the work that law would otherwise (supposedly) do” (Hull 2006: 24). She argues that same sex couples that choose such ceremonies are engaged in political resistance even though her interview subjects do not necessarily define their commitment ceremonies as political acts. While intra-community critics of same sex marriage have voiced fears that legal marriage will benefit well-off same sex couples, Hull finds that lower-income suburban couples were more likely to undertake public commitment ceremonies. In light of her findings, Hull argues that the debate on same sex marriage within the gay and lesbian community does not reflect the views of the lesbian and gay public, but rather, the views of political and intellectual elites in the community (Hull 2006: 98-115).

Statistics on couples who married in Massachusetts during the first year that same sex marriage was available (between May 2004 and May 2005) show that of 5,400 same sex couples married in Massachusetts (a figure that represents nearly a third of all same-sex partner households in the state identified by the census) almost two-thirds of the couples were women. Representative Barney Frank of Massachusetts said that what the figures show, “is that gay and lesbian differences aren't the most important ones in society, but the differences between men and women are.” Research conducted by Lee Badgett, an economist and director of the Institute for Gay and Lesbian Strategic Studies, showed the average household income of lesbians in Massachusetts is twenty percent lower than it is for gay men (*New York Times*).

If same sex marriage continues to be recognized as legal in Canada while it remains a political impossibility in the United States, it would be possible to assess the effect of these differences over time. According to Canadians for Equal Marriage, there have been roughly twelve thousand same sex marriages in Canada as of November 2006. On December 7, 2006, members of the Parliament of Canada rejected a motion by the Conservative government to re-open debate on same sex marriage by a vote of 123 to 175, forcing Prime Minister Stephen Harper, a consistent opponent of same sex marriage, to state publicly that his government will not be revisiting the question in the near future (*Globe and Mail* 1). Polls now show a substantial majority, about sixty-four percent, of Canadians support same sex marriage. It would appear that same sex marriage is here to stay in Canada. This opens up the possibility for new areas of enquiry and research.

As lesbian and gay parents have sought recognition and rights for their relationships and families and become more visible the impact is complex and multi-faceted. On the one hand, prejudices and barriers have been exposed, from school board fights over inclusion in the curriculum of children's books that depict lesbian and gay families, and incidents of bullying, to on-going legislative obstacles. For example, in Edmonton Alberta, a teenage girl was chased down and

assaulted by a group of her classmates merely because she has two mothers (*The Edmonton Journal*). In addition, the homophobic backlash is evident in the actions taken by various state governments in the United States to ban same sex adoption or same sex marriage, including super Defense of Marriage Act (DOMA) initiatives that seek to ban not only same sex marriage, but any form of civil union, domestic partnership, or partner registry for same sex couples. China's recent adoption policy – which bans adoption by same sex parents, or persons with a facial deformity, or who are obese – is an example of a policy response that, no doubt, occurred in part as a reaction to the recognition of same sex marriage by five different nations.

A major controversy that broke out in Surrey, British Columbia, in 1997 illustrates eloquently the culture wars over same sex parented families and the deep-seated fears that same sex parenting engenders. When kindergarten teacher James Chamberlain introduced three books that depicted same sex parents to his class, as part of the curriculum on “family,” the Surrey School Board banned the books. A series of mass meetings at the board and public demonstrations organized by religious fundamentalists ensued. The controversy continued for almost six years while the case wound its way up to the Supreme Court of Canada, and to some extent continued even after the ruling of the court (Chamberlain 2004).

Key arguments presented by counsel for the Surrey Board revolved around questions of sexuality, procreation and “cognitive dissonance,” a term which comes from popular psychology twenty or thirty years ago (Arvey, Weir 2004). In the Surrey School Board case “cognitive dissonance” meant pretty much the same thing as confusion. “If you introduce these books the children will be confused because these images do not conform to what they see at home” (Weir 2004). Lorraine Weir, a literary theorist at the University of British Columbia, acted as an expert witness for James Chamberlain and the B.C. Teachers Federation, which defended the books. She comments on the issues revealed in the case:

The topic of procreation is irrelevant to these books. But it was a pressing concern for parents and for some members of the Surrey School Board as a result of that lifetime of aversive programming that sees heterosexuality in terms of blissful and truly ethereal experiences that are somehow un-sexualized or desexualized, and same sex partnership as somehow in terms of the most literalized and negative understanding of sexual experience. [...] Cognitive dissonance means what is beyond their imaginative range, what exceeds their cognitive grasp. It's a way of saying that same sex relationships are unimaginable and should not be imagined. And on the other hand, what is so familiar at the seat of this aversive response, as part of a deeply negative landscape that's associated with the opposite of their normative family values, is what must be marked and recognized as negative. So there's a

double message. On the one hand they are saying to the children, “you must not learn this.” And on the other hand they are saying to the children, “you must learn this as negative” (Weir 2004).

A lesbian mother in Surrey at the time remarked on how invisible lesbian and gay families were, that the opponents of the books constantly referred to the “homosexual agenda” as an outside influence undermining “their” families, seemingly with no recognition that there were lesbian and gay parented families in Surrey (Forster 2004).

Changes to the institution of marriage reflect deeper social changes. Today, there are single parent families, blended families, extended families and same sex families, all of which deeply worries those who see “traditional marriage and family” as the bedrock of society. Same sex families challenge traditional gender roles, the gendered division of labour, as well as patriarchal authority within the family. Opposition to same sex parenting and same sex marriage parallels the right’s opposition to feminist goals of reproductive freedom or state supported universal childcare. The conservative right has linked cuts to state supported social security and childcare to the preservation of “family values” and the “traditional role of women as housewives and mothers,” essentially downloading the costs of the caring for children, the sick, and the elderly onto the privatized family. Even though the federal government under the newly elected Conservative Party was unable to roll back same sex marriage in Canada (they tried and failed), it is notable that the first acts of the government under Prime Minister Stephen Harper were to dismantle the Status of Women, scrap the national childcare program that had been agreed to by the former Liberal government, and eliminate the Court Challenges Program that provided economic assistance to Charter litigation by various groups seeking equality including aboriginal, linguistic, and racial minorities and women’s equity cases as well as lesbian, gay, and transgender litigation seeking human rights, equality, and relationship recognition.

From this perspective same sex marriage may be viewed as part of the same social dynamic, a reform of the institution of marriage which renders it more equitable by removing the historical exclusion of same sex couples, a reform which builds on the reforms of marriage brought about by the changing position of women in society, a reform that for the first time allows lesbians and gay men to marry, or alternatively, for the first time, to reject the institution of marriage.

Defenders of same sex marriage have consistently emphasized that legal recognition is a matter of rights and fairness, whereas opponents reject the framing of same sex marriage as a “rights” issue and invoke moral arguments against homosexuality. Miriam Smith points out:

Recent analyses of same sex marriage have moved beyond the “morality politics” frame. For example, Anna Marie Smith (2001) has argued that the politicization of gender, marriage and social policy through the 1990s is part of the same policy agenda. Welfare reform in the U.S. is a highly racialized debate that has been systematically linked to the regulation of the sexuality of single women, as well as black fathers, including the promotion of heterosexual marriage.... This raises the question of whether the issue of same sex marriage can be linked up with other social justice struggles in the U.S., especially, with the enduring struggle for racial equality (...) and policies and structures that recognize and support the multi and various ways in which we form families rather than policies that enforce and reward certain types of families while denying rights and recognition to others (Smith, 2006).

The question of the relationship of the campaign for same sex marriage to broader social movement activism is also explored in the manifesto, *Beyond Marriage*, 2006. Posing the question another way, I believe that the prospects for winning relationship recognition and the right to marry for lesbians and gay men, depends upon the level of broader social mobilization. *Politics of the Heart* is a case study, if you will, in the advancement of lesbian and gay parenting rights and relationship recognition through a broad based coalition movement.

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## Appendix

List of Quebec Organizations:

- Lesbiennes et gais contre la violence / Lesbians and Gays against Violence
- La table de concertation des lesbiennes et gais du Québec / The roundtable of lesbians and gays of Quebec.
- Fédération des femmes du Québec / Quebec Women's Federation
- La coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe / The Quebec coalition for recognition of same sex relationships
- L'Association des mères lesbiennes du Québec / Lesbian Mothers Association of Quebec
- La confédération des syndicats nationaux (CSN) / National Trade Union Confederation
- La commission des droits de la personne du Québec / The Quebec Human Rights Commission
- Le réseau des lesbiennes du Québec / Quebec Lesbian Network
- La fondation émergence / houses a LGBT phone line, does anti-homophobia work in the schools, etc.

*Politics of the Heart* interviewees:

*Amy Barratt* and *Mary Lamey* were co-founders of the Lesbian Mothers Association of Quebec and members of its "political action committee."

*M. Paul Bégin* (Parti Québécois) was Justice Minister for the Quebec government between 1994-1997 and 2001-2002 and responsible for drafting Bill C 84, instituting civil unions and establishing new rules of filiation that extended equal rights and recognition to same sex parents.

*Evangeline Caldwell* was a founding member of the Lesbian caucus of the Fédération des femmes du Québec and a member of La coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe.

*Lise Chamberland* (Sociology, Cégep Maisonneuve) has done research on the lesbian community in Montreal during the 1950s-1970s. She is the author of: "Remembering Lesbian Bars: Montreal, 1955-1975." *Journal of Homosexuality* 25.3 (1993): 231-269.



*Irène Demczuk* (Sociology, UQAM) was a founding member of La table de concertation des lesbiennes et gais du Québec, the Lesbian caucus of the Fédération des femmes du Québec and the chair and spokesperson for La coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe. Demczuk is the author of several articles and books including, *Recognition of Lesbian Couples: An Inalienable Right*. Montreal, Ottawa: Status of Women, 2002.

*Mona Greenbaum* and *Nicole Paquette* were the founders of the Lesbian Mothers Association of Quebec. They were the first lesbian couple to launch a co-parent adoption case in Quebec. Mona remains the coordinator of the Lesbian Mothers Association of Quebec to this date.

*Michael Hendricks* and *René LeBoeuf* were litigants in the marriage case in Quebec. Prior to that time they were members of ACT-UP and Lesbiennes et gais contre la violence. René is a member of the CSN. Michael was a Founding member of La table de concertation des lesbiennes et gais du Québec and chair of the subcommittee on violence.

*Francis Lagacé* is a part-time lecturer at UQAM in creative writing and a trade-union activist for lesbian and gay rights. Lagacé is currently the spokesperson for the Coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe and represented the Confédération des syndicats nationaux for the Parliamentary Commission hearings in February 2002. He is the author of *Les anges révèlent leur sexe*. Montréal; Les Écrits francs, 2006.

*Ludovic Maillé-Prévost*, *Julie Pétrin*, and *Annick Gariépy* were the three youths who testified before the Parliamentary Commission on their experiences as children of lesbian or gay parents.

*Laurent McCutcheon* is President of La fondation émergence and of Gai écoute in Montreal and a past chair of La table de concertation des lesbiennes et gais du Québec and a co-founder of La coalition québécoise pour la reconnaissance des conjoints et conjointes de même sexe.

*Dr. Anne Robinson* (Professor emeritus, Faculty of law, Laval University, Quebec City) is a specialist in lesbian parenting issues and custody cases. She testified before the Quebec Human Rights Commission enquiry into violence and discrimination against gays and lesbians in 1993 and to the Parliamentary Commission in February 2002. She acted to advise Michael Hendricks and René LeBoeuf on their same sex marriage challenge.

**Commentary on Nancy Nicol's *Politics of the Heart:  
Recognition of Homoparental Families***

*Shelley M. Park, University of Central Florida*

Nancy Nicol's film, *Politics of the Heart: Recognition of Homoparental Families* is an important documentary of the events leading to the 2002 decision of the Quebec National Assembly to extend equal parenting rights and recognition to same sex parents. Nicol's film depicts the broadbased social movement that eventuated in same sex parenting rights and recognition and same sex marriage and civil union in Quebec. It does so in terms which are both personal and political. Central to the film is a moving portrait of partners, parents, and children who were at the forefront of the movement.

I empathize with those who struggle for recognition of nontraditional families of choice. As a mother who is in a same-sex relationship—and who has an adopted child, I am personally moved by the portraits of lesbian mothers seeking legal recognition of and equal rights for their families. And as a Canadian who resides in the U.S., I confess to a certain pride (however misplaced) in the successes of my gay and lesbian co-patriots—and a certain nostalgia for my mother country and her relatively more progressive state politics. At the same time, however, I share the concern of queer theorists, such as political scientist Marla Brettschneider, that narrowing the focus of GLBT politics to a state-focused argument about the right to marry and adopt limits the “broad, creative radicalness” of the queer movement (114). Related to this, I am troubled by the ways in which discussions of and social movements toward ending discrimination for lesbians and gays too often presume the very standards that queer politics were intended to resist. So, in the spirit of practicing heresy and blasphemy, I would like to respectfully disagree with the strategies and goals of a politics of recognition as celebrated by Nicol's documentary coverage of the gay and lesbian movement for family rights in Quebec. In my brief remarks here, thus, I would like to suggest that political recognition of same-sex families and their children is a too limited goal for queer families and their allies.

In suggesting this, I do not mean to imply that working toward ending legal discrimination against queer families is insignificant. Anyone who has lived in a non-normative family understands firsthand—as the activists in Nicol's film attest—that ending discrimination against queer families is both important and difficult. Policies privileging the nuclear heterosexual family (for example, policies—such as those at my own university—offering medical coverage for members of one's

nuclear heterosexual family only) are clearly unethical. And they pose difficult issues for nontraditional families. The reason, for example, that my ex-husband remains legally my husband—in addition to our preference to keep lawyers out of our unorthodox living and custody arrangements—is that my health benefits will only cover him insofar as we remain legally married. Hence, I remain for all official purposes, on record as a heterosexual married woman. Any other identity I might embody or wish to embrace is rendered invisible by legal documents indicating my marital status, much as the facts of my adopted daughter's birth is rendered invisible by a legal document that retrospectively and falsely records her as born to the parents who adopted her.

I understand the desire of lesbians and gays to be recognized. A desire to be recognized underlies most liberation movements. Women, people of color, disabled persons, the elderly, working class people, and all variety of persons who are marginalized and disenfranchised have desired recognition: recognition of their existence, their needs, their rights, their abilities, their contributions to the society in which they live. It is not, thus, surprising that gays and lesbians also seek social and legal recognition and rights for themselves and their families. Indeed, given that the phenomenon of invisibility (i.e., closeting) is perhaps the primary marker of oppression of lesbians and gays, the desire to be seen is readily intelligible. As someone familiar with both the material and psychic costs of the invisibility accompanying social denial of non-normative families, I do not wish to underplay the importance of the struggle for recognition of same sex partners and parents—a struggle still in its infancy in many parts of the United States and not even conceivable in certain other parts of the world. The success of the struggle for recognition of same sex marriages and same sex parents in Quebec was an important landmark, and it is important to document and discuss this civil rights struggle. Nancy Nicol deserves our appreciation for undertaking this task.

I am, however, less sanguine than Nicol about the ability of a politics of recognition to bring about the social acceptance of a wide diversity of family forms. This is because a politics of recognition, such as that practiced by many gays and lesbians fighting for same-sex marriage and parental rights, is not just the desire to be seen. It is frequently a desire to be seen in a particular way, namely, as “normal.” Radical organizations such as Act Up gained unquestionable visibility for queer folk in ways that simultaneously shocked mainstream cultural sensibilities and attempted to enfranchise some of the most marginalized members of the gay and lesbian community, namely those with AIDS. Queer politics in the 80s and 90s was unabashed and unapologetic; “we’re here and we’re queer, get used to it” was not the slogan of a people seeking an invitation to somebody else’s party. Queers were hosting their own party and having a good deal of fun doing it. The politics of parody and confrontation practiced by drag kings and queens, parade participants, AIDS activists and others, rendered queers visible by in-your-face strategies that perceivers could not ignore. These parodic strategies are practiced by some queer activists—most notably in Nicol’s film

by Michael Hendricks and René Leboeuf, gay partners who unapologetically and intentionally make a spectacle of themselves, “staging” their petition for marriage and eventually their wedding itself for the press. This sort of hypervisibility is not, however, the type of visibility sought by many of those in the same-sex family rights movement. Many of the activists portrayed in Nicol’s film—and their less successful kin in various parts of the U.S. and Canada and elsewhere—are looking for a way to be seen *without* becoming a spectacle. As philosopher Kelly Oliver notes, “somewhere between invisibility and hypervisibility is the kind of recognition equality demands” (148).

Equality is a problematic goal for any social movement. Bell hooks, along with other women of color, critiqued liberal feminism in the 1980s by asking “equality to whom?” and “for whom?” As the questions rightly implied, equality as a goal of the women’s movement only made sense for white middle class women who wanted to be treated on a par with their white male counterparts. For poor women of color, parity of treatment with the men in *their* lives would have been a much too limited goal. At risk, then, of being viewed a traitor to the cause of gay liberation, I suggest we ask the same questions of the present movement to secure equal rights for gays and lesbians. My colleague, Dr. Coverston, rightly asks us to query the tyranny of the (straight) majority. I raise the following questions and concerns in an effort to ensure that we—white, able-bodied, middle-class, professional, gays and lesbians—do not ask entry into that majority, only to become a part of the tyranny we set out to resist.

First, to what extent does the political rhetoric of the same-sex marriage movement buy into the very dichotomy of maturity/immaturity that we mean to resist? A central rhetorical strategy of opponents to same-sex marriage and homoparental families is to depict queers as lacking the maturity for such stable commitments. In his essay, “Against Homosexual Marriage,” for example, James Q. Wilson suggests that “given the great tendency of homosexual males to be promiscuous,” most would choose not to marry or “would not marry with much seriousness” (80). Such claims concerning the immaturity of gays and lesbians for marriage (and hence also for parenting) were also made by opponents to queer family rights in Quebec as documented by Nicol’s film. As noted by my colleague, Dr. Coverston, such rhetorical equations of “gay and lesbian” with “immature” must be countered. But how should they be countered? Wanting to be recognized as “equal” to heterosexual couples, gay and lesbian rights activists frequently fail to interrogate the standards by which maturity is defined by the majority, simply arguing that they too can (and should?) live up to those standards. As queer theorist Valerie Lehr notes, “the construction of relationships and sexuality by those who advocate gay marriage as central for gay and lesbian health suggests that by finding an individual partner, people can create stable lives that will, if both partners are honest, last for many years” (54). Are advocates of same-sex marriage implicitly suggesting that the ability to form and sustain long-term monogamous relationships is an indicator of both individual and group

maturity? If so, what does this imply about those members of the queer community who choose sexual and social freedom? It is notable that Nicol's film focuses on three long-term monogamous couples. This is not, I suspect, an accident of filmmaking. It is likely that the success of the movement for recognition of same-sex partnerships will strategically forefront such couplings. Indeed, marriage itself as a coveted right presumes, rather than questions, the worth of (putatively) lifelong monogamous couplings.

Second, I wonder to what extent the political rhetoric of homoparental rights also trades on troublesome assumptions about gender, class, race, and age as these relate to distinctions between, for example, "fit" and "unfit" mothers. In her discussion of lesbian mothers in Canada, Fiona Nelson notes that most of her interview subjects agreed that the "right reasons" for having a child are selfless: one should not have a child for one's own sake, but "for the sake of the baby" (34). It is often suggested that lesbians make good mothers because they must consciously choose to have (bear or adopt) children. What does this imply about those who do not "choose" pregnancy? Are they thereby unable to love a child? Under what conditions is it rational or ethical to choose to have a child? Can poor women be considered fit mothers? Teenage mothers? Or would it be selfish of them to bring a child into the world? And what does it mean to "choose" to have a child in a society wherein "women who do not choose motherhood are considered odd?" (Lehr 131). I am concerned that the rhetoric of lesbian mothering reinforces, rather than challenges, dominant cultural equations of feminine maturity with responsible (self-sacrificing?) motherhood, where "responsible motherhood" is classed and raced. Notably, the homoparental families featured in Nichol's film are all female-headed families. The only male couple in the film is notably childfree. And none of the featured female couples are without children. Moreover, the lesbian mothers foregrounded in the documentary are middle-class white women who read to, cook with, and spend considerable time with their well-groomed, well-behaved children in comfortable, and very tidy domestic spaces.

We should also note that the movement for same-sex marriage and homoparental rights accepts without question the notion of a family as headed by a dyadic pair of adults. There is no questioning here of the assumption that a child is best off with two parents. I find this especially troublesome within the context of the politics of adoption. When a couple—whether gay, lesbian, or straight—adopts a child, what happens to the child's other parents (for example, the young single mother or third world woman of color who is unable to raise her child by herself)? Why does a birthmother have to relinquish a child permanently in order for someone else to care about the well-being of that child? We might also ask why foster parents can't retain certain connections to the children with whom they have built relationships. Who says that a child is best off with two and only two parents and that these parents have the sole right to determine with whom their child will

associate? This is a dangerous assumption for the queer community both in terms of its ability to build alliances with other marginalized groups and in terms of its ability to take care of its own.

What, for example, happens when a homoparental couple divorces? What makes us think that legal custody battles will be less ugly for same-sex couples than they are for opposite sex couples? An unfortunate consequence of awarding custody based on two-parent, heterosexual norms is that “when lesbian and gay relationships end, a biological parent can deny visitation and custody rights to an ex-partner who had played, and would like to continue to play, critical roles in a child’s life” (Lehr 5). Perhaps second parent adoptions will mitigate this eventuality. However, if second parent adoptions are premised solely on the fact of the coupling between a biological parent and the “second” parent, it does not bode well for the status of the second parent. Moreover, what happens if one or more of the divorced parents subsequently partners with or marries someone else? Who has the rights to access and decision-making on behalf of the child then and who will be excluded? Who has the responsibility to define and ensure the well-being of the child? I am aware that it may be asking too much of the GLBT community to resolve these questions. After all, heterosexual families have yet to resolve them. But that, of course, is precisely the point. We have good reason to believe these questions are irresolvable on the present model of two-parent monogamous families, given the presumption that such families are based on marital and parental property rights. This suggests that perhaps we should advocate for a quite different model in seeking legal and social rights for queer families.

An additional concern, also raised by Valerie Lehr, pertains to intergenerational relationships of care within the queer community. What is our commitment to gay and lesbian youth, most of whom are reared by heterosexual parents? Are these not children with whom we should make connections, even if they are not “our own?” The stereotypes of lesbians and especially gay men as sexual predators (or as attempting to convert others to their heathen ways) have made it difficult for such adults to foster connections—as teachers, mentors, and friends—with lesbian and gay adolescents, many of whom would benefit from relationships with adults who do not question or pathologize their sexuality. Earning the right to adopt children may give us a way to interact with youth without fear of being perceived as “dangerous.” At the same time, it perhaps sustains, rather than challenges, the notion that only legally recognized parents have a right to determine how children should be educated and treated. As Lehr notes, “unless we defend the right of children and youth to interact with those whom they choose, we are in danger of leaving youth who do not conform to normative sexual identity and/or normative gender identity to fend for themselves” (143). What happens to our commitment to “family” in the old-fashioned, queer sense when we begin to focus exclusively on the right to have “families” in the culturally dominant sense?

Finally, what about other forms of family not premised on erotic attachments at all? The right of same sex couples to marry and legally adopt children extends the many economic and social benefits attending the traditional, nuclear family to some others—but not all (perhaps not even very many) others. Why should corporate or state benefits be extended to married couples, but not to sisters who live together? What about adult children who live with and care for their aging parents? What about kin networks created by open adoptive arrangements? The complexities and diversity of family forms in the 21<sup>st</sup> century is notable. Does the movement to secure marriage and parental rights for same-sex couples adequately address this diversity? Brettschneider asks whether the GLBT community’s emphasis—and along with it, the media’s emphasis—on the rights of gays and lesbians to marry and create legally recognized families is “the most significant issue, or one with the most far-reaching effects, for the array of queers right now in history,” answering that this is “debatable, but doubtful” (114). Similarly we may ask whether the emphasis on gay and lesbian rights to marry and adopt is the most significant issue, or one with the most far-reaching effects, for the array of (straight, gay, lesbian, queer, and asexual) families right now in history. This too is debatable, but doubtful. Can we imagine ways of reconfiguring the struggles for recognition of lesbian and gay families that would have more far-reaching effects for a wider variety of non-normative families? This, I believe, is the task that still stands before us if we truly want to revolutionize the ways we conceptualize and live family, rather than assimilating to the questionable, but culturally dominant, ideals of the nuclear procreative family.

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**Commentary on Nancy Nicol's *Politics of the Heart:  
Recognition of Homoparental Families***

*Harry Coverston, University of Central Florida*

I'd like to begin my comments by thanking Nancy Nicol for such a fine and moving documentary. The documentary raises a number of considerations that as a member of the Florida Bar and former practicing attorney I would like to examine. I will begin with comments from the documentary itself and then examine them in the context of Florida law.

**1. The Parent/Child Relationship**

Early in the documentary, one of the lesbian mothers observes: "We've always been seen as adolescents." Adolescents are viewed as needing parents to direct, control, and give permission. This is an important beginning point because it recognizes a constant in the relations between socially powerful and powerless parties—the presumption by the powerful of the right to define the powerless and to make decisions on their behalf, often cast in terms of being for their own good. This pattern is clearly observable historically in the social relations between men and women, whites and people of color, the fully able bodied and disabled persons, and heterosexuals and gays and lesbians.

The presumption of the parental right of the powerful to give or withhold permission to the powerless persons constructed as children is apparent in several places in the documentary. In discussing the refusal of most people to see the crisis that was emerging with the onset of the HIV epidemic, a denial that included the refusal by the media to report the cause of death of HIV victims accurately, the gay couple reported the refusal by many families of deceased HIV victims to give permission to their gay and lesbian friends to attend their funerals. Another example of the parent/child dynamic is seen when the clerk at the fertility clinic asks the prospective lesbian mother "Where's your husband?" and when informed this was a same-sex couple, ended the conversation with a parental withholding of permission: "We don't do that," she said.

Another aspect of this parent/child relationship is the expectation of the self-styled parent to be thanked for their generosity when they deign to do something for those they see as children. One of the gay partners noted: "What we were offered was not much—civil unions, but not full equality." The original bill provided no parental rights and a civil union status far shy of the bundle

of rights legal marriage contains. On the parental side of the exchange, the Minister of Justice who crafted the bill saw the offering of second class citizenship as magnanimous: “But it’s a very generous offer on the part of the government...,” he said, adding regarding his own motives, “I wanted to do something good.”

## 2. Theory vs. Reality

The recognition of the parent/child presumption is critical to understanding the second point raised by this documentary, the disparity between the often noble ideals of law and the reality of its practice. The documentary provides an example of how the right of same-sex couples to adopt children was said to exist in theory given language in the provincial charter regarding equality of all citizens not to mention the provincial law’s failure to proscribe it. But when the lesbian couple sought to recognize the non-biological mother as a legal parent, their petition was denied by the courts. Ultimately, Quebec gays and lesbians would prove victorious in their quest for erasing the gap between rights in theory and enforceable rights in practice. But such has hardly been the case here in Florida.

The theory in Florida, as in many places, is that everyone is equal before the law. The very first article of our state constitution asserts that “all natural persons, female and male alike, are equal before the law and have inalienable rights.” There is also a section protecting the right of every natural person “to be let alone and free from governmental intrusion.” The state constitution, much like the national, prohibits any establishment of religion or penalizing of its free exercise. Thus, in theory, in Florida people are equal.<sup>1</sup>

In practice, however, the history of gay and lesbian rights in Florida is at best a mixed bag. Florida is one of 21 states with a sodomy law still on the book,<sup>2</sup> albeit unenforceable since the US Supreme Court ruled such laws a violation of the due process clause of the Constitution in the landmark *Lawrence v. Texas* case in 2003.<sup>3</sup> While 44 states including Florida have laws prohibiting both same sex marriage as well as recognizing same sex marriages from other states,<sup>4</sup> laws that I believe violate the Full Faith and Credit Clause of the US Constitution, Florida has thus far resisted the urge to enshrine this discriminatory law in its constitution as have 26 of our 50 states. Yet, Florida is not among the 10 states with laws expressly prohibiting same sex partner benefits and three counties and six cities have recognized them thus far. Thirty-two states have some version of anti-discrimination laws in operation. In Florida that has come only in the form of anti-discrimination provisions in hiring, promotion, and admission at this state university and thus far one other. Five Florida counties including Orange County and 12 Florida cities including Orlando

have anti-discrimination ordinances on the books.<sup>5</sup> And Florida is one of the 32 states with hate crime laws covering crimes based in homophobia.

### 3. Politics of the Heart—Parental Rights

Florida is a long way from the removal of discriminatory restrictions on the right of same sex couples to marry that Quebec has found a way to achieve. But it is the other topic of this documentary, parental rights of same sex couples, in which Florida appears to have the greatest disparity between the theory of equality and the practice of discrimination.

In 1977, Miami-Dade County became the first local government in Florida to pass an anti-discrimination ordinance which included gays and lesbians within its provisions. Almost immediately, a loud and often angry response arose from opponents, primarily from the leaders of organized religions. Led by a former Miss America, Anita Bryant, then serving as the advertising spokesperson for the Florida citrus industry, the campaign to revoke the ordinance was cast almost exclusively in terms of an anti-pedophilia crusade. Bryant became the spokesperson for the *Save our Children* campaign marked by unsupported warnings that “a particularly deviant-minded [gay] teacher could sexually molest children.” The campaign was ultimately successful with the referendum to repeal the ordinance passing by over 70% approval.

It is critical to note the elements of a moral panic connecting pedophilia and homosexuality deliberately engendered for political purposes to support a discriminatory referendum. Ironically, the connection of sexual abuse of children and homosexual orientation has been consistently refuted by most data on sexual abuse on children.<sup>6</sup> Indeed, picket signs at Bryant speeches during the campaign read: “We don't want your children, Anita, just your husband.”<sup>7</sup>

It is also critical to note here the strongly religious overtones of the *Save Our Children* campaign. In a 1978 interview with *Playboy* magazine, Bryant, a self-proclaimed “born again Christian,” simply dismissed the findings of the Kinsey studies with the assertion that “he had no spiritual beliefs, no religious beliefs.”<sup>8</sup> Indeed, in recent election returns from eight states holding referenda on constitutional amendments banning same-sex marriages, the two strongest demographic markers for support of the amendments were age (those over 60) and religion. In Virginia, support for the ban was highest among white evangelical Protestants, 2 of 3 voting in favor, and those who reported attending church more than once weekly, 80% of whom voted in favor. Conversely, only 20% of those reporting no religious affiliation voted for the ban, slightly less than half of Roman Catholics and of those who say they never attend church, only 27% voted in favor of the ban.

If we were to construct a continuum of support for gay and lesbian issues generally based upon social institutions from most supportive to least, it would likely find that the strongest support for those issues has come from labor unions, a point noted in the documentary. The anti-discrimination policy recently enacted here at the University of Central Florida is a good example, the direct result of contract negotiations by the local NEA affiliate and a university previously intent on not writing antidiscrimination into university policy. Corporations have been the second strongest supporter of same sex rights with many well-known companies ranging from Disney to AT&T offering same sex partner benefits. In the sectors less likely to support gay and lesbian issues, governmental agencies have a mixed record as noted previously. And clearly the social sector least likely to support gay and lesbian issues has been organized religion with a few exceptions of supportive bodies such as Reform Judaism, the United Church of Christ, and Unitarian-Universalists.

This is a particularly important recognition when we begin to talk about the role of a government whose constitution promises equality to all of its citizens and the right to privacy in their personal lives—equality in theory—but whose laws provide legal means of blatant discrimination. And no area of the law more readily demonstrates this than those provisions surrounding parental rights.

In the wake of the Miami-Dade campaign to repeal its same-sex protective ordinance, the Florida legislature moved to save its children by passing the most restrictive law regarding adoptions in the country providing that “No person eligible to adopt under this statute may adopt if that person is a homosexual.”<sup>9</sup> For 23 years, Florida stood alone in this restrictive policy. In 2000, Utah and Mississippi joined the no gay adoptions club. While the Florida legislature has several times attempted to repeal the statute, it remains on the books.

In 1994, a case was filed against the Florida Department of Children, Youth, and Families by a same sex couple, both pediatric nurses, who had over their 20-plus year relationship gained foster care of four mixed race, HIV positive children. It is difficult to find foster placements for such children, much less adoptive parents. When one of the children who tested positive at birth for HIV and cocaine sero-reverted to HIV negative status at 18 months, the state began proceedings to remove the child from the foster home and place him for adoption. Seeking to circumvent the removal of the child, foster parents Lofton and Croteau filed to adopt the child themselves only to be rejected, in keeping with Florida law, because they were gay. They then filed suit to overturn the law.

The case made its way to the US Supreme Court which in 2005 refused to accept the case for review letting stand a US District Court decision ruling that Florida’s discriminatory adoption law was constitutional. The Court’s ruling rejected the claim that equal protection had been denied

the plaintiffs by equating gay partnerships with unmarried heterosexuals who are also frequently denied adoptions. Such an equation is rather cynical at best. Though the current Florida Defense of Marriage Act had not yet been added to the Florida Statutes expressly banning gay marriages, prior state law had never provided the means for same sex marriage. While unmarried heterosexual couples can always cure the defect in their adoption proceedings by getting married, same sex couples have no such option.

Interestingly, the Court's ruling denied the State of Florida's claim that the law should stand because it represents the state's desire to express moral disapproval of homosexuality. But the admission by the state that such a discriminatory motivation prompted the statute in the first place was rather stunning. Ultimately, the Court's ruling turned on what it called a rational state interest in an official preference for heterosexual, married couples who provide children with proper gender roles and minimal stigmatization.

In short, even as the Court ruled against a denial of equal protection of the laws required under state and federal constitutions, it did so on the basis of two clear actual denials of equal protection in practice: the inability of same sex couples to marry and thus qualify as adoptive parents and the reality of bigotry against gays and lesbians which motivated the discriminatory statutes and which the Court feared would stigmatize their children. Given the state's admission of its willingness to use official power to express moral disapproval of homosexuality, it provides an interesting argument to assert that because we cannot protect your children from our bigotry they must be denied to you as adoptive children.

Given that this is a conference on blasphemy, heresy, and freedom of expression, I would like to leave you with some questions about the same:

1. What prevents Americans from recognizing and naming the disparity between our ideals of democracy and its practice? When do we say the emperor has no clothes?

2. At what point does the raw exercise of state power to further a clearly discriminatory agenda become the tyranny of the majority that Alexis de Tocqueville warned us of in the early 19<sup>th</sup> century? Is it blasphemous to confront the majority with its tyranny?

3. When does the unquestioned common sense represented by statements of "We don't do that" and "heterosexual parents provide better role models" get tested in the crucible of critical reason and life experience? Is it heretical to call such common sense into question? "Common to whom?" "Sensible in what way?"

4. When do we become willing to recognize the essential role of religion in the creation and maintenance of discriminatory laws such as those involving same sex parental rights? When do we question the constitutionality of such approaches in light of the no establishment clauses of our state and national constitutions? Is it heresy even to raise such questions?

**Notes**

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<sup>1</sup> Florida Constitution, Art. 1, Section 2, Basic Rights. Section 3, Religious Freedom. Section 23, Right of Privacy (2006).

<sup>2</sup> Florida Statutes 800.02, Unnatural and Lascivious Act (1917).

<sup>3</sup> *Lawrence v. Texas* 539 U.S. 558 (2003).

<sup>4</sup> Florida Statutes 741.212 (2004).

<sup>5</sup> Data reported here collected and reported by Equality Florida (2007). Available online from Equality Florida <<http://www.eqfl.org/issues/hro.html>>. Accessed 26 Aug. 2008.

<sup>6</sup> Gregory Herek, Ph.D. Facts About Homosexuality and Child Molestation (2007). Available online from <[http://psychology.ucdavis.edu/rainbow/html/facts\\_molestation.html](http://psychology.ucdavis.edu/rainbow/html/facts_molestation.html)>. Accessed 16 Jan. 2007.

<sup>7</sup> Tom Ambrose. Destroying Our Way of Life (2007). Available online from <[http://www.worldnetdaily.com/news/article.asp?ARTICLE\\_ID=23446](http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=23446)>. Accessed 16 Jan. 2007.

<sup>8</sup> "Playboy Interview: Anita Bryant," *Playboy* 25 (May 1978): 85.

<sup>9</sup> Florida Statutes 63.042, Who May Be Adopted; Who May Adopt (1977).

**Jonathan D. Glover**, *University of Florida*

**Decontextualizing Darfur: Activist Virtue and the Metaphysics of Africa**

Using a modified Aristotelian virtue ethics, I critique Darfur activism, especially in its use of online media. In the common perception of the Darfur crisis, the violence is at once spontaneous and ancient, a sudden rupturing of ephemeral ethnic peace and an inevitable return to the strife of antiquity, Africa's eternal crisis phase. This logic relies on colonial narratives of tribalism and primitivism that short circuit a deeper understanding of political turmoil in contemporary Africa. An elision of Sudanese history results, thereby excising British and American imperialism, Sudan's civil wars, and developments in the surrounding region from the list of factors contributing to the Darfur crisis. Information technologies such as websites and interactive games can function as strong tools for activist interrogation of these misperceptions, but games like *Darfur is Dying* and groups like STAND, Save Darfur, Be A Witness, and Human Rights Watch have reified rather than challenged these popular narratives. Failure to interrogate the historical, political, and cultural assumptions surrounding the Darfur crisis has yielded a responsive time lag, where consideration of recent regional developments has been slow or nonexistent.

Such reporting is consonant with a rising trend of consumerist activism, wherein big business, entertainment, and fashion collude to create campaigns like "I am African" and (PRODUCT) RED™ and games like *Darfur is Dying*. These initiatives, often supported by corporations with dubious human rights records, constitute a convergence of humanitarianism and consumerism that fundamentally jams any true comprehension of or compassion for human rights crises. In their fetishization of African clothes, makeup, and skin, these campaigns reinforce the tribalism and primitivism narratives that inform Western understanding of Africa and, by emphasizing consumption, turn shopping and gaming alone into acts of charity.

## Decontextualizing Darfur: Activist Virtue and the Metaphysics of Africa

*Jonathan D. Glover, University of Florida*

My point is not that everything is bad but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism.

Michel Foucault, "On the Genealogy of Ethics"<sup>1</sup>

"Africa, the Dark Continent": this was the story Europe told to euphemize its colonial resource-ravaging mission as culturo-spiritual evangelism, the bearing of "a spark from a sacred fire"<sup>2</sup> to "one of the dark places of the earth."<sup>3</sup> In this story, Africa figures as a dark, primeval landscape of violence, superstition, primitive underdevelopment, and original sin. On September 29, 2006, a small slice of "deepest, darkest Africa" materialized in DeLand, Florida. As a visual centerpiece to their 2006 Southeast Conference, the Students Taking Action Now in Darfur (STAND), a national antigenocide organization, had erected a refugee camp simulation on the quad of Stetson University. Amid the oaks, palms, and historic buildings comprising the heart of Stetson, half a dozen mock refugee tents dotted the lawn, framing the southern side of the university fountain with African horror. The tents were branded with bloody handprint facsimiles and a nearby banner read, "Camp Out to Stamp Out Genocide." This spectacle testified to the ongoing potency of the "Africa, the Dark Continent" mythos, as a statement bereft of context or viability—"Camp Out to Stamp Out Genocide"—served as the sole narration for a grim B-movie-esque representation of a nameless African crisis (nameless indeed, since direct mention of Darfur was nowhere to be seen). Shock value replaced real awareness-raising, as the scene used semiotic clues of exoticism, violence, and war—blood, weathered tents, bleak colors, sparse structural arrangements—to stimulate viewer inference and the subsequent activation of the deeply embedded cultural narratives that *explain* Africa to the Western mind. This spectacle, meant to draw attention, raise awareness, and spark humanitarian interest, seemed to accomplish its goal, as it invited viewers to consider Darfur's humanitarian crisis and what might be done to help ameliorate it. But, when confronted with this type of activism, how deeply do we consider humanitarian crises, and what sort of awareness do we acquire?

The spectacle's intended shock was supplanted by irony, when a group of apparently unimpressed (or unobservant) coeds lounged in the grass, sunbathing and studying a few yards away.



And, if the audience had unspoken misgivings, they were given voice by the remarks of passersby, one of whom exclaimed in exasperation, “Wouldn’t those tents do more good *at* a refugee camp?” Exemplifying what medical ethicist J. Brownscombe calls “compassion fatigue,” these spectators had been numbed rather than educated by this visual representation of Darfur. In a recent article on global humanitarianism, Brownscombe writes, “Reliance on stereotypes denies us deeper analysis of the . . . complexities of a situation, which are crucial in determining an appropriate response. Overemphasis of the ‘crisis phase’ neglects the longer term developmental needs of nations. Shocking scenes may be numbing, leading to ‘compassion fatigue.’”<sup>4</sup> Devoid of context and relying solely on shock value, the DeLand refugee camp emphasized not only Darfur’s “crisis phase,” but Africa’s *eternal* crisis phase, the stereotypic view of Africa as a site of ancient, unending turmoil. Without any rigorous contextual explication, the meaning of the DeLand refugee camp could only be attained through audience inference—what viewers already knew about Africa; instead of promoting awareness (the acquisition of new information), such a scenario perpetuates the comfort of conventional stereotypes (old information). The stereotypes at play—a complex of narratives and misconceptions I refer to as the “metaphysics of Africa”—served as the only key for deciphering the meaning of the refugee camp spectacle and its “Camp Out to Stamp Out Genocide” slogan, making this scene a paradoxical exemplar of the problems and challenges central to humanitarian activism. In raising awareness about a human rights crisis, activist campaigns must frame their information in ways that are relatable and comprehensible on a mass scale, an activity that risks decontextualizing the situation, engendering compassion fatigue, and promoting Eurocentric narratives about the region of Darfur, the nation of Sudan, and the continent of Africa itself.

But this refugee camp spectacle wielded relatively little influence in comparison with its information technology-based counterparts. In response to the Darfur crisis, many activist groups like STAND have adopted information media such as websites and online games as tools. If awareness-raising is the cornerstone of activism, the unencumbered reach of information technology amplifies the need for self-critical analysis, as the broadcasting range for the stereotyping, saturation, and compassion fatigue accompanying many humanitarian campaigns shifts from the small-scale of the immediate community to the worldwide networks of cyberspace and mass communications. The use of extremely powerful information technology without the benefit of serious intellectual (self-)interrogation—a thinking activism—can have the unfortunate and unintentional negative impact of decontextualizing and dehistoricizing the Darfur crisis, casting it as just another violent, hopeless episode in the “Africa, the Dark Continent” mythos.

These snares litter the path of human rights activism, but, in the acknowledgement of such obstacles, global humanitarian campaigns should be reinvigorated by a new level of self-critical reflection. Proceeding from a foundation in Aristotelian virtue ethics, Judith Butler’s call for “radical

interrogation,” and Richard Rorty’s conception of the “ironist,” I will construct an activist virtue, a “hyper- and pessimistic activism,” that thoughtfully considers these implications. I will apply this virtuous, ironic mode of “radical interrogation” to activist and mainstream online reporting of the Darfur crisis, as well as general pop cultural manifestations of Africa, and trace those representations to their roots in colonial conceptions of the “Dark Continent,” i.e., the nineteenth century narratives of tribalism and primitivism that still inform the Western imagination.

### Activist Virtue

Unlike Kantian deontology, which compels us to judge the intent of actions rather than their outcome, virtue ethics enables us to probe the character of our actions, the ability of those actions to achieve a *telos*, the goal of a given project.<sup>5</sup> To judge the intent of human rights activism proves unfruitful for two parallel reasons: (1) anyone’s intentions are ultimately unverifiable, and (2) given the complexities of international relations in the era of globalization, even the best of intentions can yield malignant consequences. If its intentions are to engender compassion, educate, and effect change, how can we judge the intent of the DeLand refugee camp? The intent may be sound, but, well-intentioned or not, is this activism virtuous, having the character to achieve its goals? To overcome the assumed solvency of good intentions and continue on in the spirit of intellectual critique, virtue ethics serves as a viable framework for interrogation.

In the *Nicomachean Ethics*, Aristotle defines *phronesis* as practical wisdom. Practical wisdom underpins virtuous action, since informed, knowledgeable, critical, reflective action has a better chance of achieving a *telos* than its uninformed, myopic, uncritical alternative.<sup>6</sup> Judith Butler extends this discussion of *phronesis* to contemporary activism and finds a cleft between theory and practice:

The commitment to radical interrogation means that there is no moment in which politics requires the cessation of theory, for that would be the moment in which politics posits certain premises as off-limits to interrogation. . . . Clearly, the fear of political paralysis . . . prompts the anti-theoretical animus in certain activist circles. . . . [I]t seems to rest upon the belief that critical reflection *precedes* political action. . . . In other words, political action . . . presuppose[s] that thinking has already happened . . . that action is precisely not thinking, unthinking, that which happens when thinking has become the past. . . . [But Aristotle] insisted that *phronesis* includes both theoretical and practical forms of wisdom. . . . [P]ractical wisdom produces virtue. . . . [C]hoice or action that is unmoored from practical wisdom will, by definition, lack virtue. . . . [K]nowledge is embodied at the moment of action.<sup>7</sup>

This “anti-theoretical animus” stalls critical thinking, leaving the activist imperative at the mercy of common sense, the logic of what is already-understood. This pattern of uncritical activism favors swift political action at the expense of *phronesis*, the practical wisdom that should be “embodied” rather than discarded “at the moment of action.” The failure to interrogate common sense logic, the already-understood, has resulted in the formulation of misleading analyses of the Darfur crisis, hindering the development of well-informed strategies for improvement of the situation.

For Richard Rorty, this common sense logic is the tool of the “metaphysician,” an uncritical brand of wisdom that refers back to premises that have already been verified and thereby enjoy amnesty from further interrogation: “The metaphysician is still attached to common sense, in that he does not question the platitudes . . . and in particular the platitude which says there is a single permanent reality to be found behind the many temporary appearances. He . . . analyzes old descriptions with the help of other old descriptions.”<sup>8</sup> The metaphysician, then, deploys arguments that are metaphysical, transcendent in the sense that they are neither provable nor unprovable on their own terms. Instead, they refer back to older arguments, premises accepted as true because their acceptance has become conventional. A metaphor for this cycle of referencing—one argument referring to another which refers to another—can be found in the news media, where, for example, an Associated Press news feed may become source material for an immeasurable assortment of other news outlets. The Associated Press report may in fact be incorrect, but media convention has mandated Associated Press wire feeds as credible sources, positioning their content as verified and accurate. Much like Rorty’s description of the metaphysician, the news media can now cite the older news presented by the Associated Press instead of reporting its own, limiting the need for more journalistic legwork and source-checking.<sup>9</sup> More often than not, this cycle of referencing seems to cross corporate and independent channels rather than divide the former from the latter, since both activist and mainstream media sites report the same misleading and reductive premises concerning the Darfur crisis. Mainstream news sites for *The New York Times*, *The New Republic*, and the BBC, as well as global activist networks like Human Rights Watch, Save Darfur, STAND, Amnesty International, and the online game *Darfur is Dying*, all describe the Darfur crisis as a conflict between African and Arab tribal groups that began exclusively in February 2003.<sup>10</sup> With the exception of occasional references to the Chad-Sudan conflict (2005-present), a neglect of Darfur’s part in the larger context of the Sahel or Central African War also characterizes this coverage of the Darfur crisis. In addition to these nearly universal features, two other trends appear frequently in coverage of Darfur: indignant demands for increased mainstream media coverage from activist groups like BeAWitness.org and, from entities as divergent as *The New Republic* and AfricaAction.com, call for immediate military intervention from Western powers, especially the United States.<sup>11</sup>

The cycle of referencing and underlying beliefs in colonial narratives about Africa verify these inaccurate perspectives on Darfur, protecting them from deeper investigation. As a remedy for this unending perpetuation of old language, old narratives, and old news, Rorty conceptualizes the “ironist,” a person who uses language ironically to unsettle the platitudes of common sense with new phrases, new descriptions, new words, and new meanings: “Ironists specialize in redescribing ranges of objects or events in partially neologistic jargon. . . . An ironist hopes that by the time she has finished using old words in a new sense, not to mention introducing brand-new words, people will no longer ask questions phrased in the old words.”<sup>12</sup> Extending Rorty’s argument, I contend that the ironist should also introduce new information in addition to new interpretations of old information and old language. And while Rorty sees the ironist sequestered to the privacy of elitism (saying, the ironist should be Nietzsche—the ironic interrogator of cultural biases—at home, but J.S. Mill—the liberal utilitarian—in public<sup>13</sup>), ironic activists should make the public arena their staging ground for phronetic engagements with the mainstream media, whose narratives frame stories in ways that demand reader inference and a subsequent reiteration of common sense platitudes.

Once subjected to a phronetic investigation, the oft-reported false premises concerning the Darfur crisis—an emphasis on Arab versus African polarization, an insistence on the events of 2003 as the isolated starting point of the conflict, and descriptions of the violence as a paroxysm of ancient intertribal animosities—are shown to be reductive at best, fictitious at worst. The Arab versus African premise, perhaps the most misleading and popular misconception about the Darfur crisis, reiterates a false and disastrous dichotomy. Throughout its history, Sudan has experienced waves of Arab immigration, African migration, and an intermingling among those populations.<sup>14</sup> Sudan’s postcolonial conflicts have been defined by politically motivated racial dichotomization, not primordial, *ages-old hatreds* between polarized, pregiven tribal groups. As the now-deceased rebel leader John Garang put it, “various regimes in Khartoum ha[d] found [racism] . . . a useful thing to insititutionalize.”<sup>15</sup> This official racism creates an ideological divide between Arab and African in order to consolidate the governing regime’s political power and economic control. In this regard, Sudan’s twentieth-century crises have always been about the sociopolitics of the present, not the supposedly prepolitical past. In the common perception of the Darfur crisis, the violence is at once spontaneous and ancient, a sudden rupturing of ephemeral ethnic peace and an inevitable return to the strife of antiquity, Africa’s eternal crisis phase. This logic short circuits a deeper understanding of political turmoil in contemporary Africa, since truly *ages-old hatreds* would defy modern solutions.

While most reporting signals 2003 as the rupturing point of Darfur’s supposedly ancient hatreds, events from the last five decades have profoundly influenced the present situation. In the 1970s, the Addis Ababa Agreement reconciled the northern and southern forces to end the first Sudanese civil war (1955-1972); this agreement could not maintain peace for long, since many

concerns on both sides—concerns originating from Britain’s uneven management of the northern and southern regions during colonization—had not received sufficient attention. The dissolution of the Addis Ababa Agreement led to the second Sudanese civil war (1983-2005), contemporaneous with Darfur’s growing economic instability from years of drought, famine, and subsequent conflicts over scarce resources between nomadic and sedentary groups.<sup>16</sup> The increasing destabilization of Darfur made the region ripe for the ideological importation of New Sudanism and the infiltration of military arms and violence from the neighboring regions of southern Sudan, Chad, and Libya.<sup>17</sup> New Sudanism, the ideology of the Sudan People’s Liberation Army (SPLA) leader John Garang, promoted a pluralistic, multiethnic Sudanese nationalism that countered the official Arabism and Islamism of the government in Khartoum during the civil wars.<sup>18</sup> Mirroring the ideological transfer of New Sudanism, many of the southern rebels—some originally from Darfur, many migrants from the south—also traveled to Darfur to continue their campaign against Khartoum. Considering this north-west movement of ideology and soldiers, the crisis in Darfur is more an extension of the Sudanese civil wars than an isolated flaring of ancient hatreds.

### The Metaphysics of Africa

If the inaccurate premises surrounding the crisis in Darfur crumble so quickly under the burden of the historical record, why are they almost ubiquitously accepted? Contingent on Eurocentric racial theories that were perfected in the nineteenth century, these narratives express a metaphysical view of Africa as a continent characterized by essential darkness, primitiveness, and conflict. For Valentin Mudimbe, author of *The Invention of Africa* (1988) and *The Idea of Africa* (1994), the notion of the African primitive, which ties the continent’s humanitarian calamities to the theological concept of original sin, ranks foremost among these mythological views of Africa. As Mudimbe explains, “there is a coming back of the idea of the *primitive* . . . this coming back of the negative images of the 19<sup>th</sup> century; images which justified colonization as a way of assimilation . . . of conversion to civilisation and to Christianity, can be reduced to what I call ‘the original sin.’”<sup>19</sup> Joseph Conrad’s novella *Heart of Darkness*, perhaps the most widely read piece of nineteenth-century colonial literature, exemplifies this concept of original sin. Published in 1899, *Heart of Darkness* crystallized the closing century’s imaginings of Africa in its depictions of the Congo—the essence, the center, the heart of the African continent—as an impenetrable,<sup>20</sup> pagan,<sup>21</sup> primitive,<sup>22</sup> savage,<sup>23</sup> and serpentine landscape. Gazing at maps of Africa as a young boy, Marlow, the novella’s narrator, sees the Congo River as “an immense snake uncoiled.”<sup>24</sup> The religious significance of the snake image is immense; as the foremost symbol of evil in Christian iconography, the snake represents Satan himself in corporeal, animal form. Africa is textualized as a perversion of paradise, a

signification inscribing the African landscape with the religious anxieties of the Western psyche. Conrad's Congo is a post-Fall Eden marred by the intrinsic scourge of original sin, where humanity remains forever removed from the presence of God and the European order—a veritable hell on Earth. In his famous critique of *Heart of Darkness*, Chinua Achebe describes this representation of Africa as a product of “the desire—one might indeed say the need—in Western psychology to set Africa up as a foil to Europe, as a place of negations at once remote and vaguely familiar, in comparison with which Europe's own state of spiritual grace will be manifest.”<sup>25</sup> This psychic movement situates Africa as a container for Europe's fears and anxieties about its own impurities and improprieties, its insecurities about both the external world of foreign lands and the internal wilderness of the human mind. In short, civilization needs an opposite against which to define itself. For Europe—and, by extension, America—Africa is that opposite, that ultimate other.

Complementary to primitivism, the tribalism narrative distracts from the very recent and contemporary nature of political struggles in Africa, allowing conflicts to be explained away as the result of primordial hatred between rival tribes.<sup>26</sup> The common sense of the tribalism narrative is largely fictitious, deriving from the rezoning and reethnicizing practices of the European powers during the colonial period; but, all too often, its platitudinous character spares it from serious reconsideration. In *The Graves Are Not Yet Full*, Bill Berkeley traces the tribalism narrative to its imperial roots. In the African context,

The very term “tribe” came into general use in the colonial era. The term was associated with stereotypes of Africans as primitive brutes . . . . “[T]ribal” society conjured up an early stage of human development with minimal state organization, class structure, [and] literacy . . . under British administration, in countries like Uganda, Kenya and South Africa, administrative subdivisions were built upon this image of “tribal” blocks. Tribalism solved the colonial dilemma of how to dominate and exploit vast numbers of indigenous inhabitants with a limited number of colonial agents, by mobilizing groups on the basis of linguistic and cultural similarities that formerly had been irrelevant.<sup>27</sup>

Berkeley's point is not that ethnic affiliations never existed before the imposition of colonial order, but rather that an official British process resituated precolonial group identifications in the colonies to suit the needs of colonial administration. This process of official tribalization, with its exacerbation of linguistic, cultural, and ethnic differences along officially reconstituted lines, has had longstanding repercussions in postcolonial Africa. Sudan has suffered the consequences of official tribalization acutely, as the British promotion of Islamic sectarianism during the colonial era—a technique for creating religious partisanship<sup>28</sup>—set the stage for the official Islamism and Arabism

that would serve as the dichotomizing ideology behind both Sudanese civil wars and become the catalyst for the ongoing crisis in Darfur.

One might protest that these African stereotypes died with decolonization, but a quick glance at high-profile humanitarian campaigns such as “I am African” and (PRODUCT) Red™ (both designed to draw attention to the spread of AIDS in Africa) proves the metaphysics of Africa to be alive and well in the now-colluding industries of entertainment, fashion, and human rights. Ads for the “I am African” campaign feature celebrities like Gwyneth Paltrow with stern faces and faux tribal makeup marking their cheeks. Like the other female celebrities who appear on the “I am African” website—Iman, Sarah Jessica Parker, Liv Tyler, Heidi Klum, Lucy Liu, Elizabeth Hurley—Paltrow is nude, “tribal” makeup and jewelry serving as her only clothing.<sup>29</sup> Similarly, Kate Moss recently appeared on the cover of *The Independent*, a widely circulated British magazine, nude and in full-body blackface,<sup>30</sup> and Gisele Bündchen now dances with a female Masai warrior in an ad adorning the side of South London’s Clapham Common’s tube station.<sup>31</sup> Both supermodels are striking poses to support (PRODUCT) RED™ (a coalition of conglomerates like American Express, Giorgio Armani, GAP, Converse, and Apple)—Moss by adorning the cover of *The Independent’s* (RED) issue, Bündchen by appearing in her ad for the new American Express (RED) Card. In their respective ads, Paltrow, Moss, and Bündchen simultaneously sexualize African crises and render the African body inconsequential. In Paltrow’s “I Am African” photograph, Africanity is reduced to facial warpaint and necklaces; in Moss’s black face nude, the African essence materializes simply as skin color. Once these primitive, tribalistic African characteristics are transcribed onto Paltrow’s and Moss’s white bodies, they are sanitized of their otherness and made consumable. In Bündchen’s (RED) Card ad, her presence validates the body of the Masai, drawing it into the Western universe of fashion and consumerism. Through juxtaposition with Bündchen’s high-fashion body, the Masai becomes an unthreatening fetish of otherworldly Africa—a containable, salable, ethnic commodity. The “I am African” and (PRODUCT) RED™ initiatives constitute a convergence of humanitarianism and consumerism (note the (RED) Card ad’s question, “Has there ever been a better reason to shop?”)<sup>32</sup> and fundamentally jam comprehension of human rights crises. In their fetishization of African clothes, makeup, and skin, these campaigns reinforce the tribalism and primitivism narratives that inform Western understanding of Africa and, by emphasizing consumption, turn shopping alone into an act of charity. With approximately 1% of the cardholder’s spendings going to The Global Fund, carrying an American Express (RED) Card becomes a stand-in for education and the search for transformative, meaningful solutions to humanitarian issues.<sup>33</sup>

This consumerist-activist model indicates an emerging trend of consumable, easy-to-digest activism that distracts from the fundamental political and economic causes of humanitarian crises by

offering consumers an easy way to assuage their consciences. In Darfur activism, the influence of this trend can be seen most saliently in the online game *Darfur is Dying*. This online narrative simulation of the Darfur crisis is meant to—like the DeLand refugee camp—raise awareness and rouse humanitarian interest. However, this game still perpetuates reductive notions about the Darfur crisis and has the added disadvantage of making the crisis exciting and entertaining by virtue of its gameplay format (tellingly, *Darfur is Dying* can now be accessed through AddictingClips.com, an online compendium of web-based entertainment). In fact, this virtual refugee camp prompts the same questions that introduced this paper: When confronted with this type of activism, how deeply do we consider the Darfur crisis, and what sort of awareness do we acquire? In *Darfur is Dying*, gameplay revolves around foraging for water as a Darfuri character of the player's choosing.<sup>34</sup> Roving janjaweed militia trucks patrol the desert area between the Darfuri village and the well from which the water must be obtained.<sup>35</sup> If captured by the janjaweed, a "Game Over" screen explains that the player has been apprehended by the militia, and if the character is a female, she might be raped. If the player succeeds in bringing water to the village, the character will enter a village where reconstruction activities such as crop-raising and animal farming can be performed. While trying to make the Darfur crisis seem more real and comprehensible to young students, this simplistic mode of gameplay conflates the situation into an arcade game framework where survival is awarded with access to higher levels and failure simply resets the game. As with (PRODUCT) RED™, consumption becomes a form of activism in *Darfur is Dying*. In the former, consumption comes in the form of credit card use; in the latter, consumption comes from engaging in the gratification of gameplay. Both methods do little to engender awareness or a prolonged consideration of humanitarian crises. Due to its lack of phronetic virtue, *Darfur is Dying* reiterates (when it should confront) the consumerist-activist model of consumption-based humanitarianism.

### **Cold War Alliances and the Politics of Naming**

Perhaps even more damaging to a meaningful understanding of Africa and its relations with the West than tribalism, primitivism, and the commodification of crisis, these campaigns also ignore the material differences that mark European and African history and experience. "I am African": on the surface, this proclamation of intercontinental solidarity rings benevolent, or at worst, benign. But what is truly at stake in claiming universal sameness at the expense of cultural-historical difference? Hidden within this statement is the assumption that a shared humanity overrides the difference of cultural history, thereby making non-Africans both morally obligated and cleansed of responsibility for African crises—simultaneously responsible for the messianic rescue of Africa and free of guilt for the injustices and exploitation of the past.



Darfur serves as a case study in how such elision of colonial history negatively impacts the postcolonial nations of Africa. After decolonization, Sudan became an important operational site for American Cold War strategy. To illustrate the political climate of Cold War America in the 1980s, we need only look to the cinema of the times. Exemplifying the deep interplay between politics, film, news media, and public apprehension of international affairs, two popular Hollywood movies—*Back to the Future* (1985) and *Rambo III* (1988)—vividly reflect the Cold War mentality of the Reagan era. In *Back to the Future*, North African terrorists from Libya hunt Marty McFly and Doc Brown, apparently miffed at Brown for stealing their plutonium. Plutonium figures as a radioactive miracle substance that, when used by quirky American scientists like Doc Brown, fuels Western innovation—i.e., the DeLorean that Doc Brown, using Benjamin Franklin-like ingenuity,<sup>36</sup> transforms into a time machine. Conversely, if the plutonium falls back into the hands of the Libyan madmen, it will be used for malevolent ends such as the production of dirty bombs. Here, Libya serves as the international bogeyman of 1980s America.

Alternately, *Rambo III* utilizes the more traditional standby of Soviet Russia as a foil for John Rambo, the quintessential American individualist, the cinematic one-man army who takes matters into his own hands when the government is too slow to take action. On his quest to free an American POW from the brutality of a Soviet occupation camp in the deserts of Afghanistan, Rambo allies himself with the Afghani *mujahideen*, an alliance that made perfect sense to the Cold War-acclimated moviegoers of the 1980s, but resonates strangely in post-9/11 America. Osama bin Laden himself could have been a character in *Rambo III*, fighting alongside the CIA-trained *mujahideen*—as he had in real life—and Rambo against the Soviet invasion of Afghanistan (an unthinkable cinematic move in current times). These films bookend America's mid-80s perception of Cold War politics: on the side of good, America and the Afghan freedom fighters battle the Soviets and the Libyans—constituents of the Evil Empire—at home and abroad.

The American, African, and Soviet Cold War intrigues that these cinematic incarnations reflect are tellingly relevant to the present situation in Sudan. During a relative lull in tension between northern and southern forces, the U.S. allied Sudanese president Gafaar Nimeiry, an Islamist dictator, because of his opposition to Muammar al-Gaddafi's regime in Libya. As William F. Buckley succinctly put it, "We do not declare war against the Soviet Union because we cannot hope to win against the Soviet Union. Libya is different."<sup>37</sup> It was simple Cold War *realpolitik*. For his cooperation (gestures which included bombing his own cities and blaming the attacks on Gaddafi), Nimeiry received approximately 1.5 billion dollars in American aid, a contribution that enabled Nimeiry's enforcement of Islamic *Sharia* law against the will of Sudan's Christian and Animist populations. Nimeiry's official Islamism rekindled civil war violence between Khartoum and southern Sudan, transforming American aid into funding for Nimeiry's war against the south.

With such enormous sums of American money being funneled into Nimeiry's war chest, the Reagan administration secured Sudan as an ally against its Cold War enemies Libya and Egypt,<sup>38</sup> and the U.S. military gained entry into Sudan for the creation of a "Persian Gulf rapid deployment force."<sup>39</sup> In 1985, President Reagan's White House lavished Nimeiry with another sixty-seven million dollars in aid for his efforts to modernize Sudan's economy. This would not prevent Nimeiry, wildly unpopular due to his collusion with the U.S., from being ousted "in a bloodless coup" while still in Washington D.C. with President Reagan.<sup>40</sup> As the Reagan administration came to an end, *mujabideen* became synonymous with terrorist, rather than freedom fighter as it had been in *Rambo III*. Under President Clinton's watch, the U.S. response to Sudanese affairs shifted to aiding the rebel insurgents of the south against the government in Khartoum, a complete reversal of the Reagan-Nimeiry alliance. In this new geopolitical milieu, the Clinton administration turned a blind eye to Israel's arming of Garang's SPLA and then "attacked a pharmaceutical factory in Khartoum with cruise missiles." This intervention was justified by "shaky evidence" of an alliance between Khartoum (now under the rule of Turabi) and Osama bin Laden, both of whom "shared roots with . . . the so-called 'Arab Afghans'—the tens of thousands of volunteers from across the Arab world who fought alongside the CIA-backed Afghani *mujabideen* in their 1980s war against the Soviet occupation of Afghanistan."<sup>41</sup> The days when alliances between John Rambo and the Afghani *mujabideen* were possible had passed.

If the current conflict extends from the civil war between Khartoum and southern rebel groups, the United States has spent time and money supporting both of the most prominent players at work today in the Darfur crisis. As felt by the Sudanese people, realized in their everyday lives, the impact of American Cold War intrigue is not as easily forgotten as the plots to *Back to the Future* and *Rambo III* are for the American public. If official tribalization and sectarianism laid the foundation for Sudanese instability in the colonial period, American Cold War strategy continued the tradition of externally implemented destabilization by propping up the Islamist dictator Nimeiry in the 1980s and then reversing policy to support the insurgencies of the south in the 1990s. Subsequently, activist insistence on the need for American intervention constitutes a double movement of blind faith and compulsory amnesia. As the colonial and neocolonial histories show, American and European intervention in Sudan has always been set in motion by national self-interests, not humanitarian compassion. In the public arena, these national interests have found rhetorical traction in the language of humanism (humanitarianism, universal human rights, messianic interventionism) and the narratives of primitivism and tribalism (Africa as the Dark Continent of original sin, *ages old hatreds* as the source of African political strife). The culmination of these sentiments produces what Berkeley describes as "a belief that Africans are incapable of governing themselves," a belief that makes "it easier for the United States to intervene according to its own

interests.”<sup>42</sup> This point cannot be reiterated enough and should form the basis for an interrogation of interventionism justified by the language of human rights. Rather than indignantly demanding swift intervention from Western powers like the United States, humanitarian activist campaigns should view external intervention—especially swift intervention—with a great deal of historically informed skepticism.

This skepticism should also extend to the realm of semantic politicking surrounding the Darfur crisis, prompting the question, why have certain governmental and nongovernmental agencies been so eager to declare the Darfur crisis a genocide while others have been so reluctant? What is at stake in the *naming* of genocide? Ever since the December 1948 International Convention on the Prevention and Punishment of Crimes of Genocide, the declaration of genocide has meant two very different things for the member nations of the UN and the administration of the UN itself. When Colin Powell and George Bush declare the Darfur crisis a genocide, they have obligated the United States to report its findings to the UN; when the Secretary General of the UN declares a situation a genocide, he or she obligates the UN to take immediate action.<sup>43</sup> In naming the Darfur crisis a genocide, the Bush administration acquires an aura of moral superiority—*the courage to call it like it is*—with the added benefit of no responsibility for the situation it has so lucidly defined. In the past, genocide has been a hard label to apply, due largely to its slippery and multiple definitions. Now, sloppy, politically motivated application threatens to rob the term genocide of any rhetorical power whatsoever. The 1948 genocide convention’s definition—“deliberately inflicting on the group conditions of life calculated to bring about its physical destruction *in whole or in part*”<sup>44</sup>—equivocates with a number of other human rights atrocities such as ethnic cleansing and state-sponsored killing. Attempting to correct this equivocation, genocide expert Gérard Prunier defines genocide more sharply as “a coordinated attempt to destroy a racially, religiously or politically predefined group in its entirety.”<sup>45</sup> Prunier’s definition demands a higher burden of proof, but he is quick to add that human suffering is human suffering no matter how we define it:

It is in fact a measure of the jaded cynicism of our times that we seem to think that the killing of 250,000 people in a genocide is . . . a greater tragedy and more deserving of our attention than that of 250,000 people in non-genocidal massacres. The reason seems to be the overriding role of the media coupled with the mass-consumption need for brands and labels. . . . “Genocide” is big because it carries the Nazi label, which sells well. “Ethnic cleansing” is next-best (though far behind) because it goes with Bosnia, which was the last big-story European massacre. But simple killing is boring, especially in Africa.<sup>46</sup>

If political saliency and the market forces of infotainment determine the currency of genocide's various definitions, then even the labeling of humanitarian crises demands phronetic, ironic interrogation. As we have seen in the *Darfur is Dying* videogame, the (Red)<sup>TM</sup> campaign, and "I am African," the line between the commodification of crisis and meaningful, awareness-raising activism has grown amazingly thin.

In this climate, declarations of genocide become fodder for news media headlines and an easy way for UN member states to attain a responsibility-free moral high ground during times of political ambiguity and increasingly complicated international affairs. But beyond these politico-consumerist benefits, uncritical employment of the term genocide has enabled a wide-scale ignorance of the complexities surrounding the Darfur crisis and its relatedness to the nation of Sudan and the larger region of Central Africa. Genocide—the calculated eradication of a racial, religious, or political group—implicates government bodies, state apparatuses, and political factions as the primary agents of organized wholesale slaughter. Thus, in Darfur the Khartoum government's war crimes assume center stage, taking attention away from the rebel insurgency's numerous human rights abuses and making clarion calls for interventionism easier to make. But two civil wars, decades of drought and famine, fifty years of governmental neglect, and a mixture of self-interested American and European foreign policy and outside influence have produced the instability that plagues Darfur, an instability that factional rivalries between the JEM, SLM, and SPLA rebel groups has exacerbated. Battling for control of Darfur, killing hundreds of civilians, kidnapping and killing AU personnel, blocking humanitarian aid, and "engaging in banditry" are some of the charges that have been leveled at these Sudanese rebel groups.<sup>47</sup> Declarations of genocide have minimized the role of the Sudanese rebel groups in destabilizing Darfur and fanning the flames of conflict with their interfactional fighting and their ideologically driven willingness to use civilians as leverage for political gain.

The application of the genocide label has directed attention toward Khartoum and away from the rebel insurgency; similarly, the acute focus of geopolitical attention on Darfur rather than its broader intranational context has afflicted the outlook of humanitarian campaigns with tunnel vision, blinding them to the region-wide implications of the Central African War.<sup>48</sup> Briefly put, the Central African War includes the governments and rebel groups of Chad, the Central African Republic (CAR), and Sudan. While many activist campaigns have made note of the overspill of the Darfur crisis into Chad, as of this writing, little mention has been made of the Central African Republic or the interconnectedness of these three nations. In December 2006, Chad declared a "state of belligerency" against Sudan, because, as described by Chadian Prime Minister Pascal Yoadimnadj, Sudan is "exporting the Darfur conflict" to exacerbate instability in the Central African region.<sup>49</sup> Chad has accused Khartoum of bombing Bahai, Tine, Karyari, and Bamina,

villages close to the Chad-Sudan border. Chadian officials fear that Khartoum is using the Darfur crisis as a smokescreen for a destabilization operation against their president Idriss Deby Itno,<sup>50</sup> and the CAR has accused Khartoum of supplying the Central African rebels who have been capturing cities since early November 2006. In response, the CAR has appealed to the international community for a peacekeeping force, and both France and Chad have begun implementing support measures.<sup>51</sup> As Chad and the CAR engage in cooperative efforts with each other and the international community to stabilize their shared region, these nations constitute a promising front for aid and peacekeeper deployment to Darfur. A broader view of the Darfur crisis allows for these regional implications to be considered. The Central African region itself should become the site of international aid efforts, since the continued unwillingness of Khartoum to cooperate with the international community has delayed the creation of a viable solution in Darfur.

### Toward Phronesis

In addition to this humanitarian tunnelvision, failure to interrogate the historical, political, and cultural assumptions surrounding the Darfur crisis has yielded a responsive time lag, where consideration of recent regional developments has been slow or nonexistent. In a reversal of the antitheoretical precept identified by Butler (the belief that political reflection stalls political activism), it is the absence not the presence of *phronesis* that has resulted in sluggish reactions to the Darfur/Sahel crisis, as developments in the CAR, Chad, and Sudan continue to be ignored in favor of local emphasis on Darfur. In the popular view, the Darfur crisis continues to be an anciently constituted and locally isolated tribal conflict between Africans and Arabs that spontaneously reignited in 2003, a misinterpretation of Sudanese and Central African affairs doomed to produce myopic and misinformed strategies for amelioration. These dominant misconceptions, as well as the misrepresentations offered by (PRODUCT) Red™ and “I am African,” emanate from the colonial narratives of tribalism and primitivism, showing both activist and mainstream media reporting of the Darfur crisis to be imbricated in the larger fabric of the metaphysics of Africa. Information technologies such as websites and interactive games can function as strong tools for activist interrogation of these narratives, but games like *Darfur is Dying* and groups like STAND, Save Darfur, Be A Witness, and Human Rights Watch have proven reiteration rather than confrontation of popular assumptions and consumerist-activist humanitarianism to be the norm. To counteract these misconceptions—and the compassion fatigue, decontextualization, and crisis commodification they engender—a virtuous activism should challenge the Eurocentric, stereotypical narratives that circulate in the Western imagination. Once the old interpretive paradigm, the metaphysics of Africa,

has been undermined by ironic, phronetic interrogation, new patterns of activist and governmental crisis appraisal can arise, allowing for agile assessments of and responses to new developments.

### Notes

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<sup>1</sup> *The Continental Ethics Reader*, eds. Callarco and Peter Atterton (New York: Routledge, 2003) 200.

<sup>2</sup> Joseph Conrad, *Heart of Darkness: An Authoritative Text, Backgrounds and Sources, Criticism*, 3rd ed., ed. Robert Kimbrough (New York: Norton, 1988) 8.

<sup>3</sup> Conrad 9.

<sup>4</sup> J. Brownscombe, "Crisis in Humanitarianism?" *Journal of Medical Ethics* 31 (2005): 182.

<sup>5</sup> For an extended discussion on deontology and virtue ethics, see Jennifer Welchman, ed., "Introduction," *The Practice of Virtue: Classic and Contemporary Readings in Virtue Ethics* (Indianapolis: Hackett, 2006) ix-xxv.

<sup>6</sup> See Book VI of Aristotle's *Nicomachean Ethics*, trans. Terence Irwin (Indianapolis: Hackett, 1999) 86-98.

<sup>7</sup> Judith Butler, "Dynamic Conclusions," in Judith Butler, Ernesto Laclau, and Slavoj Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left* (London: Verso, 2000) 264-65.

<sup>8</sup> Richard Rorty, "Private Irony and Liberal Hope," *The Continental Ethics Reader*, eds. Matthew Callarco and Peter Atterton (New York: Routledge, 2003) 220.

<sup>9</sup> With the rise of the blogosphere, much of the mainstream media's common sense has been under interrogation from the web-managers of amateur and independent news websites across the globe. Unfortunately, most of these challenges from blogger-sites constitute a 1:1 fact-checking war against the mainstream media rather than a true interrogation of the fundamental language, narratives, and common sense that inform major new stories.

<sup>10</sup> For recent examples, see "Sudan," "Background," "Q & A: Sudan's Darfur Conflict," and "Darfur Demands Sanctions, Not Words."

<sup>11</sup> The editors of *The New Republic* have been especially adamant, saying, "Even people who wish to know about the problem do not wish to know about the solution. They prefer the raising of consciousness to the raising of troops. Just as Rwanda made a bleak mockery of the lessons of Bosnia, Darfur is making a bleak mockery of the lessons of Rwanda." See "Again," *The New Republic*. 15 May 2006, The New Republic Online, 8 Jan. 2007. <<http://www.tnr.com/politics/story.html?id=7f8d76ba-2928-493a-89d3-4ac1443c6799>>.

<sup>12</sup> Rorty 221.

<sup>13</sup> Rorty 223.

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<sup>14</sup> Ruth Iyob and Gilbert M. Khadiagala, *Sudan: The Elusive Quest for Peace* (Boulder: Lynne Rienner, 2006) 22.

<sup>15</sup> Quoted in Iyob and Khadiagala 169.

<sup>16</sup> See Gérard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca : Cornell UP, 2005) 54-58.

<sup>17</sup> Iyob and Khadiagala 147.

<sup>18</sup> Iyob and Khadiagala 33.

<sup>19</sup> Valentin Y. Mudimbe, “Africa remains the absolute difference—an interview,” *Encounter Images*, ed. Mai Palmberg, 249.

<sup>20</sup> Conrad 17.

<sup>21</sup> Conrad 23.

<sup>22</sup> Conrad 35.

<sup>23</sup> Conrad 38.

<sup>24</sup> Conrad 12.

<sup>25</sup> Chinua Achebe, “An Image of Africa: Racism in Conrad’s *Heart of Darkness*,” 1977, *Heart of Darkness: An Authoritative Text, Backgrounds and Sources, Criticism*, 3rd ed., ed. Robert Kimbrough (New York: Norton. 1988) 251-52.

<sup>26</sup> Terence Ranger provides an apt example, citing *The Guardian*’s description of the “tension within Zimbabwean politics” as the result “of *thousands of years* of tension between the Ndebele and the Shona” (252; emphasis mine). Terence Ranger, “I did not set out to deconstruct—An interview,” *Encounter Images*, ed. Mai Palmberg.

<sup>27</sup> Bill Berkeley, *The Graves Are Not Yet Full: Race, Tribe and Power in the Heart of Africa* (New York: Basic, 2001) 12.

<sup>28</sup> Berkeley 200.

<sup>29</sup> See <[http://www.keepachildalive.org/i\\_am\\_african/i\\_am\\_african.html](http://www.keepachildalive.org/i_am_african/i_am_african.html)>.

<sup>30</sup> See <[http://wordmunger.com/images/moss\\_indy.jpg](http://wordmunger.com/images/moss_indy.jpg)>.

<sup>31</sup> See <[http://informage.net/files/IMG\\_08701.jpg](http://informage.net/files/IMG_08701.jpg)>.

<sup>32</sup> See <[http://informage.net/files/IMG\\_08691.jpg](http://informage.net/files/IMG_08691.jpg)>.

<sup>33</sup> See Daniel Ben-Ami, “Why the New Amex Card Makes Me See RED,” 28 Sept. 2006. Spiked Online. 17 Jan. 2007. <<http://www.spiked-online.com/index.php?/site/article/1723/>>.

<sup>34</sup> See <[http://www.iconocast.com/News\\_Files/BNews6\\_28C\\_06/Biz1\\_clip\\_image002.jpg](http://www.iconocast.com/News_Files/BNews6_28C_06/Biz1_clip_image002.jpg)>.

<sup>35</sup> See <<http://img.aktualne.centrum.cz/23/6/230676-darfur-is-dying.jpg>>.

<sup>36</sup> Note how Doc Brown, in an update of Franklin’s lightning-kite experiment, also harnesses lightning.

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<sup>37</sup> Quoted in Diana Johnstone, "The Man We Love to Hate," *New Internationalist* 161 (1986): para. 11. 8 Jan. 2007. <<http://www.newint.org/issue161/hate.htm>>.

<sup>38</sup> Berkeley 213.

<sup>39</sup> Berkeley 215.

<sup>40</sup> Berkeley 214.

<sup>41</sup> Berkeley 224-25.

<sup>42</sup> Berkeley 87.

<sup>43</sup> For more on this sharp contrast between the obligations of UN member states and UN itself, see Prunier 138-44.

<sup>44</sup> Quoted in Prunier 155.

<sup>45</sup> Prunier 155.

<sup>46</sup> Prunier 156.

<sup>47</sup> Iyob and Khadiagala 157.

<sup>48</sup> The STAND logo, an overhead map of Sudan with an emergency radar blip isolating Darfur, serves as an iconic embodiment of this tunnelvision.

<sup>49</sup> See Betel Miarom, "Chad Readies Troops to Help Central African Republic," 17 Nov. 2006, Mail & Guardian Online, 17 Jan. 2007. <[http://www.mg.co.za/articlepage.aspx?area=/breaking\\_news/breaking\\_news\\_\\_africa/&articleid=290316](http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news__africa/&articleid=290316)>.

<sup>50</sup> See "Chad Says Sudan Bombed Villages," *News: Arab World*, 31 Oct. 2006, Aljazeera.net, 17 Jan. 2007. <<http://english.aljazeera.net/archive/2006/10/2008410135156482319.html>>.

<sup>51</sup> See "Sudan Neighbour Seeks Peacekeepers," *News: Global News*, 3 Nov. 2006, Aljazeera.net, 17 Jan. 2007. <<http://english.aljazeera.net/archive/2006/11/200849154332454245.html>>.

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**Ronnie Z. Hawkins, *University of Central Florida***  
**Heresy-Hammering, Group Selection, and Epistemic Responsibility**

The way in which the theory of “group selection” was treated as a heresy in evolutionary biology during the latter part of the twentieth century is considered as itself being an emergent group phenomenon, and some possible reasons why this particular theory had to be repudiated by the dominant group are explored. Then the process of “heresy-hammering” in general is examined as a behavior that can block important feedback, allowing the group to engage in a form of collective self-deception, and is therefore judged to be epistemically irresponsible and potentially maladaptive in terms of the group’s long-term survival. Some possible methods of foiling this process—which seems to operate largely below the level of full conscious awareness—are proposed.

## Heresy-Hammering, Group Selection, and Epistemic Responsibility

*Ronnie Z. Hawkins, University of Central Florida*

We humans are social animals through and through, and yet we often avoid acknowledging it. In fact, we seem to have a tendency to flee, whenever possible, from “seeing ourselves” clearly along quite a few dimensions of our being. Heresies, by definition, are likewise entities that are essentially connected with our social nature—they are ideas that deviate in some way from a group norm. This paper will examine some of the psychological and social (group) processes that came into play surrounding the “hammering” of one particular heresy—the notion of “group selection” in evolutionary biology—and will engage in some speculation as to why this particular heresy might have had to be hammered down so emphatically. It will also reflect upon the phenomenon of heresy-hammering as epistemically maladaptive, to the extent that it can result in a state of collective self-deception that may endanger the group as a whole. Some possible applications to our current situation will be considered in light of this finding.

### The “Hammering” of the Heresy of Group Selection

Just what is a heresy? How might we understand the notion of *heresy* as an offense that an individual commits, or is accused of committing? What are the social dynamics undergirding an action like hurling the epithet “*That’s heresy!*”—who or what benefits from such actions, and who or what gets hurt? According to *Webster’s Ninth New Collegiate Dictionary*, the first definition of *heresy* (all three parts of it) has to do with holding a view differing from a religious belief system (implicitly assumed to lie within the Judeo-Christian tradition), while both formulations of the second avoid the theological tie but again emphasize deviance, variously from “a dominant theory,” “the truth,” or “generally accepted beliefs or standards.”

Throughout most of the latter part of the twentieth century, however, the theory of “group selection,” or the idea that groups of organisms as well as single individuals might be selected for survival (or not) on the basis of their manifest characteristics, was treated as a heresy. I remember it being so regarded when I was getting my early education in biological science, and it just so happens that Stephen Jay Gould, in his comprehensive *The Structure of Evolutionary Theory*, completed shortly before his untimely death, recounts an encounter of his own with the forces at play in an episode of “heresy-hammering.” As a young scientist attending a professional meeting in 1973, he questioned a speaker about a possible correlation between the smaller body sizes of Pleistocene mammals living

on islands—as contrasted with larger forms found on continental mainlands—and the greater resistance to extinction their reciprocally greater population sizes might provide. His account of what happened next is as follows:

. . . the speaker’s response floored me (and stunned me into silence . . . . He said this and only this—and his words, with their intended dripping irony, cut through me—“are you really satisfied with a group selectionist argument like that?” He made no attempt to rebut my suggestion with any content whatever; the stigma of group selection sufficed for refutation. (Gould 554)

Now, famously, Thomas Kuhn drew our attention to the resistance scientists generally show toward significant alterations in the paradigms that guide their research, noting that “retooling is an extravagance to be reserved for the occasion that demands it” (Kuhn 76), and he maintained that techniques of persuasion were often as important as evidence and logic in bringing about the major changes of paradigm that have occurred in science from time to time. His conception pales before the above description, however. There is a strong affective component to what happened to Gould, a current of hostility capable of producing psychological and possibly even physiological distress in the person toward whom it is directed. The power of the rebuke is magnified, moreover, by its public nature—the heretical individual feels a negative response *coming from the group*, not just the spokesperson who points the finger, or so I would maintain. But why do certain ideas provoke such an emotional reaction—where does it come from, what purpose does it serve?—and why, in biology, at least for a number of decades, was the theory of group selection considered especially deviant? I will pursue answers to these questions using the lenses of social psychology and cognitive science as well as some contemporary philosophy in my spyglasses, although some of the material that will be uncovered has been grist for the mill of philosophers for many decades. Since I lived through incidents similar to the one Gould describes—though mercifully not pointed directly at me—I’ve been curious about these questions for many years. The common wisdom in biological circles seems to have held that V. C. Wynne-Edwards, who gave the theory of group selection its most elaborate articulation in his *Animal Dispersion in Relation to Social Behavior* (1962), was properly vanquished, his ideas discredited and his name, rightly, forever tainted with shame, by George Williams, in his *Adaptation and Natural Selection* (1966). That’s not quite the way Gould sees it in retrospect, however, and his analysis provides insight into some of the philosophical commitments as well as the psychological forces likely to have been at play during the time this heresy was so mercilessly hammered.

First, however, for the controversy’s disciplinary context. Gould, in his final major work, presents a “morphological” account of evolutionary theory—from his own chosen perspective, of

course—utilizing an elegant visual metaphor, a diagram of a piece of fossil coral drawn by seventeenth-century artist and scientist Agostino Scilla. The coral's three major branches represent what Gould sees as “the three central themes of Darwinian logic”: (1) the agency responsible for producing the diversity of life on earth is natural selection acting primarily at the level of individual organisms competing against one another, the more “fit” in local environments being “selected” to contribute more offspring to the next generation—this organismal level being the central (though not exclusive) focus of Darwin's attention; (2) this selection process itself possesses the efficacy to produce the characteristics contributing to the “fit” as well as to eliminate those organisms that are “unfit”—it plays the positive as well as the negative role in evolutionary change; and (3) the process of natural selection, working gradually over the huge expanse of geological time, has been sufficient to generate the full scope of biological diversity, accounting not just for small, local changes but for the large phylogenetic divisions as well (Gould 13-15).

Scilla's diagram depicts a coral that is not only branching but articulated, however, growing in segments separated by planes of cleavage that Gould takes to represent points of major and minor revision to Darwin's central themes that have occurred over recent decades. As a result of these “cuts,” the theory has retained its overall configuration over time while having been altered and strengthened in much the same way that pruning back a tree often serves moderately to reshape and reinvigorate it. To take the major revisions Gould identifies in reverse order to the branches enumerated above, in opposition to point (3), evidence supporting punctuated equilibria—periods of slow, gradual change in organismic form being interrupted by times of massive extinction and rapid change—revises our view of how differences on a “macroevolutionary” scale came about; against (2), discoveries in developmental biology and related fields indicate a major role for internally generated form-giving processes, in addition to the externally applied, “chopping” process of natural selection; and, contra (1), evidence is accumulating to indicate that selection occurs on multiple levels—“genes, cell-lineages, organisms, demes, species, and clades” (Gould 21)—not simply at the level of the individual organism, as Darwin had originally emphasized. However, at the time the “theory of group selection” was being formulated by Wynne-Edwards, the idea that any superindividual grouping of organisms could be a winner or loser in the struggle for survival posed a direct challenge to the classical formulation of theme (1), which focused almost solely on organismic selection. As a deviation from this central “trunk” of evolutionary theory as Darwin first proposed it, whose bark got even thicker with the “hardening” of the “Modern Synthesis” around the middle of the twentieth century, “group selection” can thus be understood as fitting the linguistic definition of a *heresy* as it appeared (or, to the extent that the notion had been around for some time in rather vague terms, reappeared in far more developed form) on the scene in the 1960s.

Wynne-Edwards's treatise on animal dispersion is a fascinating book, rich in detailed examples. It addresses the observation that most natural populations of nonhuman animals seem to

live in patterns and at densities that make near-optimal use of the available food resources rather than overexploiting and degrading them, offering an explanation as to why this should be the case. The short answer is social organization: territoriality, social hierarchies, threat displays, and other sorts of “conventional” behavior serve as brakes on reproduction long before the number of individuals increases to the point at which it would be directly limited by the food supply, thus preventing the local population exceeding the regenerative capacity of its environment and thereby putting its own continued survival in jeopardy. Wynne-Edwards envisions a homeostatic control system for maintaining optimal population densities through a great variety of social conventions, analogous to physiological homeostatic processes operating within single organisms, which also may come into play in the form of reduced clutch sizes, resorption of embryos, and the like, reducing the number of offspring produced, as needed. Since some of these “self-perpetuating,” internally-regulated, local groupings of organisms will “prove to be better adapted socially and individually than others, and tend to outlive them, and sooner or later to spread and multiply by colonizing the ground vacated by less successful neighboring communities” (Wynne-Edwards 1962, 20), selection will occur at this level as well as at that of single organisms competing against one another. Wynne-Edwards also does not shy away from including the human species under the purvey of his theory, comparing the process of “group-selection” with individual selection thusly:

Where the two conflict, as they do when the short-term advantage of the individual undermines the future safety of the race, group-selection is bound to win, because the race will suffer and decline, and be supplanted by another in which antisocial advancement of the individual is more rigidly inhibited. In our own lives, of course, we recognize the conflict as a moral issue, and the counterpart of this must exist in all social animals.” (Wynne-Edwards 1962, 20)

The “antisocial advancement of the individual” at the expense of the group’s ability to sustain itself over time could include many different behaviors, of course, but the primary concern of Wynne-Edwards was that of excessive reproduction, which must be inhibited lest what Garrett Hardin famously termed the “tragedy of the commons” result. “If intraspecific selection was all in favour of the individual, there would be an overwhelming premium on higher and ever higher individual fecundity, provided it resulted in a greater posterity than one’s fellows,” and this, Wynne-Edwards maintains, “manifestly does not happen in practice” (Wynne-Edwards 1962, 19).

Now, my concern here is not to engage in a detailed examination of the theory itself, or the factual efficacy of group selection in the evolutionary process, but rather to consider the way it was received (or, rather, rejected), why it was treated not simply as an erroneous theory but as a heresy, and to draw attention to the processes whereby even innocent questions only peripherally connected

to the notion were greeted with such palpable hostility, a reaction which seems itself to be an emergent group phenomenon. As Gould presents his own perspective on the group selection controversy, he does “not dispute [the] consensus” of most of his contemporaries that “Wynne-Edwards’s primary argument [is] wrong” (Gould 547), and he cites, as generally agreed-upon objections, that, at least when nonhuman animals are being considered, “groups rarely maintain the required cohesion,” and that “group selection (in Wynne-Edwards’s mode) will usually be far too weak a force to prevail over the conventional Darwinian mechanism of organismic selection” (Gould 550). However, Gould also holds that Wynne-Edwards’s work has been “greatly undervalue[d],” finds the popular view that George Williams delivered the theory a knockout punch to be “entirely unfair,” and in fact maintains that “I can cite few other theories, presented within evolutionary biology within my career, that could be deemed so challenging in implication, so comprehensive in claims, so fascinating in extension, and so thought-provoking” (Gould 547). Most intriguing to me, however, is Gould’s assessment of Williams’s own position, which became the rallying point for the anti-group selection forces. Rather than a counterargument going toe-to-toe with Wynne-Edwards’s, Gould finds it to be, instead, a largely rhetorical claim promoting ontological reductionism, an orientation that Gould himself terms a “cultural prejudice.” Williams asserts that, if a way can be devised to explain a phenomenon through organismic selection alone, then this lower-level explanation is always to be preferred in favor of the higher, and if we can make what Gould calls “the ultimate causal reduction” to a lower level yet, that of genes as the final discrete units upon which the knife of natural selection operates, so much the better. Williams appeals to “the principle of parsimony” to justify this reduction to the lowest possible level, but Gould points out that “Occam’s razor” was aimed at shaving away Platonic essences from argumentation, not refusing to recognize higher levels of organizational complexity that might actually exist in nature. Williams laid out his “doctrine,” moreover, by branding explanations invoking higher levels of selection with demeaning adjectives: “We must always bear in mind that group selection and biotic adaptation are more onerous principles than genic selection and organic adaptation” (Williams 123-24, as quoted in Gould 551-52). Onerous principles? But why should thinking in terms of higher levels of organization and competition be “onerous”?

From a perspective that is now several decades removed from the time when the “hammering” of this heresy was at its peak, I am happy to report that there seems to be a recent upsurge of interest in superorganismic behavior of various kinds (see, for example, Barabasi and Christakis & Fowler for some interesting findings in human medicine), as well as a new openness to explanations making use of group selectionist thinking. The evolution of our own ethical behavior and sense of morality is perhaps the most important development that is now being attributed to selection operating at the group level. Darwin himself placed “the social instinct, together with sympathy” as the “primary impulse and guide” underlying the tendency of humans and many other



social animals to help others of their own kind—while attaching the important caveat that “these feelings and services are by no means extended to all the individuals of the same species, only to those of the same association” (Darwin 472), thus acknowledging the bloodier edge to this double-edged sword, our strong tendencies toward xenophobia and violence toward outsiders to the group. Elliott Sober and David Sloan Wilson have provided an extended defense of the evolutionary role of group selection in *Unto Others: The Evolution and Psychology of Unselfish Behavior* (1998), to which Gould makes multiple references in his recent text and from which I will raise some issues later in this paper. It seems that there are many today who do not find such higher-level analyses particularly “onerous.” I will therefore turn to Gould’s analysis of Williams’s position for a better understanding of the “why” and “how” of this particular instance of heresy-hammering.

Gould states that “subsequent developments” following Williams’s ostensible refutation of Wynne-Edwards’s theory “force us to consider one of the most troubling phenomena in the sociology of science—the principle of epigones and bandwagons” (553-554). He points out that original thinkers, Williams being a prime example, are usually well aware of the intricacies and limitations of the positions they espouse, whereas their followers often rigidify them and hold them as dogma: “founders tend to be brilliant and subtle, and to keep all major difficulties constantly in mind, while epigones generally promulgate the faith and disregard, or never learn, the problems, exceptions, and nuances” (543). With respect to the wholesale dash away from group selectionist thinking, he states that “I have never witnessed a more distressing bandwagon in science, or seen any idea of such salutary origin [the initial effort to attempt an explanation of all evolutionary adaptations as resulting from selection at the “lowest” level of organism or gene] pushed so far in the direction of thoughtless orthodoxy” (554). And his parting shot articulates several aspects of the process under consideration here:

When we think an idea through, and then reject the notion, we have at least made an intellectual decision . . . . But when we maintain an unarticulated and unexamined commitment, then use such a premise, albeit unconsciously, to render interesting ideas inconceivable, then we have fallen under the spell of dogma. (Gould 556)

First of all, Gould himself is acknowledging the “groupish” nature of the phenomenon in question; what is a “bandwagon” effect, other than something that occurs at the superindividual level—does it not refer to *a whole group of* people jumping onto the same vehicle, to be carried along for a ride all together? The very metaphor is at odds with our traditional western conception of autonomous, “rational” individuals reaching their own conclusions via their own intellectual powers. And yet, of course, such behavior is virtually ubiquitous, in academia as well as society at large, and usually goes unremarked. What is an epigone? My same *Webster’s Ninth New Collegiate Dictionary*

defines this as “an imitative follower,” especially “an inferior imitator of a creative thinker.” One cannot be an epigone all alone; this is a social role, to be played out in a group. Might not a human form of “selection,” including selection for mates as well as for professional positions within social hierarchies, occur at both levels—the infatuated lover who swoons at a potential partner’s ability to flak for the real innovator who is out of reach, the whole horse-cart of like-minded goodfellas who will carry out a task or promote a product without asking too many questions on their own? Perhaps. But regardless of how adopting these strategies might ultimately cash out in power or progeny, I think it is indisputable that these are real phenomena—there is something “ontologically objective” about such behavior (Searle)—that manifest in the context of a human language community of some sort, a group of human individuals interacting with one another over time and space, connected by a largely shared “web of belief.”

It is within the shared belief web, moreover, that the “commitment”—unexamined, arrived at not by “intellectual decision” but rather absorbed through a kind of social osmosis from other members of the group who seemingly already have embraced it—can be discovered. And, *nota bene*, as Gould observes, this commitment is generally “unarticulated”—what is being debated in words very often is not what is going on beneath the words, deep down where such “commitments” find their emotional home—and it also must be “maintained”—the group that the belief system joins together is, conceptually, at least as self-perpetuating as some of Wynne-Edwards’s seabird colonies, the binding process being an active one in both cases. Finally, there are the words “unconsciously, to render interesting ideas inconceivable . . .” Unconscious?

Yes, much recent work in cognitive science appears to show that a very great deal of our cognitive processing is “unconscious,” and there are studies in social psychology that seem to indicate a possible inverse relationship between the power of social forces to affect an individual’s behavior and the degree of awareness that individual might have of being affected at all.<sup>1</sup> But if one is acting “unconsciously,” how would one even know that a certain idea might be “interesting”? To answer this question, I will invoke the words of Jean-Paul Sartre, embarking on his classic description of “bad faith,” or self-deception:

I must know in my capacity as deceiver the truth which is hidden from me in my capacity as the one deceived. Better yet I must know the truth very exactly *in order* to conceal it more carefully . . . in the unitary structure of a single project. (Sartre 89)

Yes, of course it must be the “interesting” ideas that are condemned as heresies, thoughts that are meaningful, possibly true, and potentially fruitful for further investigation—otherwise, what would be the point?—and so, at some level below full conscious awareness, the one who chooses to push such ideas away must already have comprehended their content. But such ideas must be “rendered

inconceivable”—they must be blocked from public as well as private view, covered up, hammered down before anyone in the group could begin to entertain them seriously, let alone “conceive” a version of reality amenable to their full elaboration. And why must they be concealed in such a way? Because they are somehow fundamentally in conflict with a “commitment” at the heart of the belief web, a central connecting strand without which the group itself might lose coherence and dissipate.

I believe that, in his concise description of what it means to “have fallen under the spell of dogma,” Gould has captured most of the important psychological and social (and perhaps this is the point at which we should ask ourselves if these are not two sides of a single coin) aspects of the phenomenon I have called “heresy-hammering.”<sup>2</sup> Such “hammering” at unwelcome ideas in an effort to make them go away, and so to protect the web of belief and thereby the group to which each member owes loyalty, is common enough behavior—it goes on all the time, for example, in political discourse, and all the more easily when the news is covered in fifteen-second sound bites. What makes it particularly interesting, I think, with respect to the group selection heresy, is that the behavior itself is, in a sense, a remarkable piece of evidence testifying to the ontological solidity, if not of “group selection” as a process, at least of the sort of powerful emergent group phenomena upon which such selection might act.

There remains to be considered what the commitment, or perhaps set of interconnected commitments, was around which the wagons of anti-group selectionism had to circle, and why it was so necessary at the time to protect it. Gould has already provided us with a central strand in the set: reductionism, or, as I would further caricature it, a commitment to live within metaphysical atomism,<sup>3</sup> a picture of the universe as ultimately reducible down to nothing but a huge collection of mindless billiard balls, randomly bumping into one another. To trace the implications of this metaphor, I will draw on the work of a number of feminist philosophers who have criticized this kind of commitment, this stubborn refusal to update one’s basic “unconscious” world-picture at least so as to accommodate the physics of Einstein and Bohr rather than holding fast to the “solid, massy particles” of Democritus and Newton, if not moving all the way up to incorporating contemporary physics and a more enlightened vision of the life sciences. In a world where all is just “atoms in the void,” and those “atoms” are not only devoid of all internally generated agency but also lacking any intrinsic relatedness to other “atoms” that could connect them necessarily into higher-order, superatomic groupings, there are no limits to the extent of external manipulation that may be carried out. Of course the “chopping” action of natural selection must, on this model, be construed as the sole creative agent in nature, because there are no forces “from within” that could spontaneously produce order, only forces impinging on the billiard-ball atoms “from without” (see Mathews). Moreover, the human experimenter (who, strangely enough, still seems to be blessed with plenty of agency, though just whence it comes, since human beings are also, in the final analysis, reducible to “atoms in the void,” remains unclear) has a free hand to plug in and plug out whatever

is being conceived, on the basis of this metaphor, as fundamentally disconnected atomistic “bits,” such as genes, virtually at will—thus allowing, for example, an aspiring generation of biotechnologists to step into the “God-shaped hole” left behind after the original Bioengineer wound up his clockwork model and then withdrew (see Midgley). This cartoon world may not be entertained in conscious thought, but I’d say it can be glimpsed lurking just below the surface of more than a few grant applications that are rolling off the desks right now. George Williams and his followers may not have articulated the problem explicitly, but the notion that individual animals in local populations not only bore nonarbitrary relations to one another but also could control their reproductive processes from within could hardly have been more antithetical to this kind of atomistic reductionism, to which they seemingly were “committed.”

There may be another binding ligament in the belief web which the group selection “hammerers” were defending, however, one that may be even more centrally located than reductionism. This is the insistence on a kind of Cartesian detachment of observer from observed, a fleeing from what N. Katherine Hayles refers to as “the ‘messiness’ of ‘tight couplings’” (see Hayles 56; she is quoting Norbert Weiner’s words here, from his explanation of why many biological scientists seem to suffer from what has been called “physics envy”). At some level, all of us are probably a little bit uncomfortable about being observed too closely. There may even be an “existential” reason for this; as Heidegger observes, “Dasein is ontically ‘closest’ to itself and ontologically farthest” (Heidegger 37). As Hayles argues, however, a commitment to extreme subject-object separation at the metaphysical level can generate the belief that “one could act upon the world without oneself being acted upon,” which can, in turn, lead to notions like “rainforests can be cut without affecting those doing the cutting; rivers polluted without poisoning those polluting; fluorohydrocarbons released without affecting those doing the releasing” (Hayles 56). Perhaps the anti-group selection forces were also aware, at least beneath the level of whatever mental filtering process makes “bad faith” possible, that the despicable theory not only was emergentist and holistic rather than reductionist and atomistic, it was potentially capable of *connecting us* to the natural world and to each other in a most immediate and uncomfortable way, by making us more consciously aware of group-level interactions that we are participating in all the time but that we generally prefer to not to think or talk about. No wonder Williams and many of his colleagues might have found higher levels of selection “onerous”—the “couplings” would have been too tight and far too messy!

This consideration necessarily moves us down yet another rung, to examine what might lie crouching at the center of the commitment nest: the gendered nature of science as it has been practiced for, oh, so many years, decades and centuries, at least within the western world. As Evelyn Fox Keller writes, for example, in her essay “Gender and Science,” “both the scientific mind and its modes of access to knowledge” can be characterized as “masculine,” where “[m]asculine here

connotes . . . autonomy, separation, and distance” (Keller 79). While there is surely no hard and fast division along gender lines with respect to how great a degree of reflexivity a scientist may be able to tolerate in his or her subject matter, an apparent need of many males to engage in, as put by Nancy Chodorow, “a more defensive firming of experienced ego boundaries” (Chodorow 167) has been identified by a number of feminist scholars.

With this thought, the plot seems to thicken even more, and I will now (forgive me) allow myself to indulge in some additional speculation regarding the group-protective intrigue potentially lurking behind the hammering of this particular heresy. Another phenomenon that I have long been curious about, one with very grave consequences that I fear are just beginning to be appreciated on a global scale, is why so little was ever done, in a serious and sustained manner, to stem the planetary “explosion” that has occurred in our human numbers, at an accelerating rate, over the last two to three hundred years. Our present problems were not unanticipated: John Stuart Mill voiced his concerns in the latter part of the nineteenth century (see Mill 1986, 2004), and Paul Ehrlich, rather famously, hit the talk show circuit forty years ago trying to convey, in simple terms, the impossibility of exponential growth of any one element going on forever, or even for more than just a little while, within a finite system. When you look at what has been allowed to happen, while demagogues have yammered on about the evils of abortion and educated people meekly turned their heads away, and realize that we now have more than six times as many human mouths to feed than ever existed on this Earth throughout all of our previous evolutionary history, the need for an explanation for the irrational behavior of this supposedly “rational” species should become obvious. Wynne-Edwards writes, in the preface to *Animal Dispersion*, “The evident loss by man, almost within the historic period, of the means for limiting population growth, which he formerly possessed like other animals, stands out with disturbing clarity” (Wynne-Edwards 1962, v). Is it at all possible that the branding of his thoughts as heretical might have had something to do, on final analysis, with a strong desire, perhaps particularly on the part of human males (and after all, the community of evolutionary biologists at that time, and perhaps still today, must have been largely populated by individuals of the masculine gender), to flee from the responsibility to begin taking steps to limit our own species’ population growth *from within*? (I mean, surely, if birds can do it, and bees can do it, why can’t *we*—with all our linguistic skills, reasoning faculties, and technological capacities—do it too . . . ?) To “hammer” home a point myself, could all of this emphasis on competition between “selfish” individuals—coupled with an equally strong refusal to explicitly acknowledge, for example, the obvious dots connecting the competitive “power” of a human subgroup with the size of its population (and thus armies and other group-enhancing organs)—have anything to do with the received wisdom holding that mammalian females have an interest in nurturing a few offspring well while males “benefit” most from sowing their seed far and wide? In view of the tragic consequences of neglecting, under patriarchy, to take the needed (and desired by many women) steps that would

have facilitated a voluntary reining in of our own fecundity, consequences that seem already to be in evidence as I write this, I think this latter point, while no doubt seemingly outrageous to some, bears serious contemplation.

### Group Selection, Self-Deception, and Epistemic Responsibility

In our initial attempt to understand how “unconscious” processes might be at work in maintaining “the spell of dogma,” I turned to Sartre’s analysis of “bad faith” or self-deception, his attempt to understand how an individual can be conscious and “unconscious” of something at the same time, so as to flee an unpleasant truth. I believe the process of heresy-hammering is, in fact, one manifestation of a collective effort to maintain just such a state of self-deception within a group, and I would also submit that, at a time in which all of humanity is facing a slew of interconnected, self-generated crises, finding ways to reduce the extent of our indulgence in self-deception at all levels—as “organisms (individuals), demes (groups), and species (the global village of *Homo sapiens*’ collective consciousness)” —would seem to be highly desirable. Self-deception, in fact, appears to be the flip side of Lorraine Code’s powerful notion of “epistemic responsibility,” our (individual and collective) *responsibility to know* the salient facts about the situation we find ourselves in—an important prerequisite, she appears to claim, for taking action that is morally and practically appropriate.

To examine a little more closely these connections among the epistemic, the ethical, and the prudent in a way that does not hesitate to make use of multilevel selection theory, I would like to take a closer look now into Sober and Wilson’s *Unto Others*. As an illustration of how “ethics,” or cooperative, other-regarding behavior, can be manifested and maintained in a self-perpetuating system of social organization, these authors tell the following story about two imaginary groups, the squibs and the squabs:

The squibs follow the social norm “Be altruistic to fellow squibs, punish those who don’t, and punish those who fail to punish.” The squabs have the norm “Solve your own problems.” They freely exploit fellow squabs, who may attempt to retaliate as individuals but without the backing of their tribe’s moral outrage. The altruistic squibs will outperform the quarrelsome squabs in all situations that involve between-group processes, such as direct conflict, foraging for a common resource, founding new groups, and so on. The problem of cheaters and freeloaders within groups, which is so often used to argue against the evolution of altruism, is not a problem for the squibs because cheaters and freeloaders are severely punished. . . . What does the person who punishes the person who fails to punish get from enforcing the norms? At the end of this inquiry is a behavior that benefits the group at some

expense to the individual who performs the behavior. . . . [T]his is not a problem if the individual costs are sufficiently small. (Sober and Wilson 151)

As Sober and Wilson further explain, a few squibs who go to live in the squab society will be “mercilessly exploited,” while squabs who move into squib territory will be just as relentlessly punished, unless these individuals on both sides learn to alter their behavior so as to “do as the Romans do.” Since human individuals are quite flexible primates who can usually alter their behavior to fit the circumstances, the group-level traits will be more stable than the individual-level ones, and the two societies could theoretically continue on indefinitely side by side—unless they come into competition with one another, directly or in the formation of new groups, in which case, sooner or later, “the squibs will replace the squabs” (Sober and Wilson 152).

A few more words about the group selection controversy are in order at this point. Considerable research into this sort of phenomenon has been conducted under the banner of “evolutionary” or “economic” game theory, where multiple iterations of certain kinds of interactions—e.g., selfish, altruistic, “tit for tat” (starting out behaving altruistically and then returning in kind whatever response is received, selfish or altruistic)—between “individual actors” are carried out. As Sober and Wilson interpret the results obtained through such gaming, if you allow yourself to “see” the groupings that evolve, it is “child’s play” to “calculate relative fitnesses within and between groups, and determine what evolves on the basis of the balance between levels of selection”—in “tit for tat,” for example, groups (of two) composed of individuals that both start out altruistically (and then continue to return the favor) will outperform groups with one selfish member, and these will outperform groups where both members behave selfishly. They conclude that “[t]he difference between multilevel selection theory and evolutionary game theory is a matter of perspective, not process” (Sober and Wilson 86), despite the fact that “one of the primary goals in the development of evolutionary game theory was to explain the evolution of cooperation among nonrelatives *without invoking group selection*” (Sober and Wilson 79, my italics). (Again, one must ask “Why?”) Sober and Wilson’s story about “the squibs and the squabs” strikes me as an explanation that is far more easily understood than the more convoluted (less “parsimonious”!) attempts to understand the evolution and maintenance of the kinds of altruistic or “cooperative” behavior we do in fact observe in our own species and others by trying to “reduce” it to a strictly organismic, let alone genetic, level of selection.

Interestingly enough, a more recent development that seems to have emerged out of game-theoretic research is the discovery of “third-party punishment.”<sup>4</sup> If a “third party” that is not affected by a selfish action is included within the game and given the chance to “punish” the one who takes advantage of a second party—thus “cheating” or violating the “squib” norm of being altruistic—the majority of “third parties,” from a variety of different human cultures (see Marlowe

and Berbesque), will quite willingly “punish” the “cheater,” even at some cost to themselves. This result is being interpreted as an important process whereby social norms are maintained, and, since the behavior of selfish individuals can be restricted within the group in this manner—any “squabs” that migrate in or spontaneously evolve will be punished if they continue acting “squablike”—it is also having the effect of “rendering group selection empirically more plausible” (Fehr and Fischbacher). One more step is exhibited by Sober and Wilson’s “squibs,” however, that I would like to take careful note of at this time: not only do the squibs follow norms that have them starting out as altruists and punishing those who fail to be altruistic, whether they are the wronged “second parties” or the witnessing “third parties,” they also observe a third rule which Sober and Wilson seem to recognize as necessary for the perpetuation of the group: they “punish those who fail to punish.” I will return to this thought at the end of the paper.

To continue with the topic of self-deception, it just so happens that Robert Trivers,<sup>5</sup> who is probably best known for his development of the concept of “reciprocal altruism,” which emerged out of game-theoretical considerations, has recently weighed in with a theory about the evolution of self-deception (ostensibly an “individual/gene-level-only” theory) proposing that a capacity not only for deception but for self-deception has been favored by natural selection, in humans as well as other social animals, largely because the individual who is not consciously aware of engaging in deceit would be less likely to present signs of nervousness or other indicators that might “give away” the lie to others and make him- or herself vulnerable (see Trivers 2000; Trivers 2002, 255-293). This assumes, of course, that the self-interested individual has a selective advantage to gain by deceiving others, and, thinking only in individualistic terms about short-term gain, this is quite likely the case. When our thinking becomes more fully fleshed out by incorporating a group-level function like “third-party punishing,” however, this notion may itself be in need of correction, and it seems that even Trivers may have an unacknowledged eye for the overall group-level pattern (he does now admit, in fact, that “group selection language is often formally equivalent to the language of return effects, though this may be obscured or denied”; see Trivers 2006, 68), as will be pointed out shortly.

The forces at play in self-deception are examined in considerable detail by Carol Tavris and Elliot Aronson in *Mistakes Were Made (but not by me)*, a popular account of contemporary cognitive dissonance theory, which recognizes the psychological discomfort produced when an individual attempts to hold two conflicting ideas—let alone conflicting metaphysical metaphors or clashing worldviews—in his or her head at the same time. The theory holds that, for most people most of the time, the desire for conceptual consonance is so powerful that even a direct confrontation with evidence contrary to their chosen perspective will not change their minds, instead making them justify their position “even more tenaciously” to themselves (Tavris and Aronson 2). Since the move to self-justification makes possible the self-righteous defense of whatever orientation has been



selected, it is said to be “more powerful than the explicit lie” (Tavris and Aronson 4); the self-deceiver, the person “in bad faith,” may never admit the mistake, and hence may continue along on what is sometimes an increasingly disastrous course of action. And, while many of Tavris and Aronson’s examples concern self-deception and self-justification by individuals, they seem to apply their thinking just as readily to pairs, families, and larger groups, without apparent concern for the impropriety of moving to a superindividual level of examination.

In considering group forms of self-deception and self-justification, they give the following explanation for the persistence of racial and other forms of prejudice and stereotyping (which are, of course, inaccurate assessments of reality and thereby self-deceiving at both an individual and a group level):

Without feeling attached to groups that give our lives meaning, identity, and purpose, we would suffer the intolerable sensation that we were loose marbles floating in a random universe. Therefore, we will do what it takes to preserve these attachments. Evolutionary psychologists argue that ethnocentrism—the belief that our own culture, nation, or religion is superior to all others—aids survival by strengthening our bonds to our primary social groups and thus increasing our willingness to work, fight, and occasionally die for them. (Tavris and Aronson 59)

This is another interesting passage that is, I think, worth breaking down. The first statement asserts something very intriguing indeed, to those with an interest in metaphysics. It proposes that at least part of our apparent need to identify, beyond ourselves as individuals, with larger groupings of people—which the authors take for granted is a very strong one—is to escape the mental picture of ourselves as “loose marbles floating in a random universe”—in other words, the metaphor for metaphysical atomism. And it is indeed a repugnant picture of the universe—fortunately, it’s wrong, or at the very least there is no reason to prefer this way of picturing reality over alternative depictions, and a fair amount of reason why we should not: trading in a mechanistic worldview for a vitalistic one<sup>6</sup> (now there’s another “heretical” concept for you!) would provide a framework much more compatible with the emerging scientific understanding of things, for one, but that’s a subject for another paper. But how interesting it is that Tavris and Aronson juxtapose the need to escape such a desolate and frightening world picture with the equally strong attachment to a group—could getting over the fear of the former reduce our need for the latter? And, of course, it would seem that such a strong behavioral motivator—and how else to explain, for example, a suicide bomber who willingly dies “for his group”? Must we weave elaborate alternative explanations for this by appealing to “genes” randomly bumping around with other molecules inside his cells? Again, what type of explanation is more parsimonious?—would clearly provide material for “selection” to operate upon.

The other thing to notice in the above passage is that the issue on the table is ethnocentrism as the generator of prejudice, hostility, and war against an “other” group (see Keen)—the “necessary” reverse side, as mentioned earlier, of the process that generated our ethical behavior toward each other as members of the “same” group—or so we might hypothesize if we allow ourselves to conceptualize about the functioning of competing superindividual but subspecific wholes. The basic idea is “our group good—other group bad,” preferably grunted to ourselves and each other at a level just above the “reptilian” core of our brains. One might even say that the first part of this assertion lies at the center of every language community’s web of belief, the assumption that the group is in some way “good” and worth belonging to—otherwise, for a member of species that inherited a proclivity for the fission-fusion type of social organization (see Eisenberg et al.), why belong to it in the first place, or perhaps rather, how else to justify one’s continuing membership? There is, of course, a good evolutionary reason why the idea that one might have a choice about it tends not to rise to the surface of consciousness for many, the reason being that belonging to some group or other carried a very high return in survival value for our ancestors.

The way this kind of “our group good” orientation greases the slide over into self-deception follows nicely on the model that cognitive dissonance theory provides. As Tavis and Aronson explain, “[d]issonance is bothersome under any circumstances, but it is most painful to people when an important element of their self-concept is threatened—typically when they do something that is inconsistent with their view of themselves” (Tavis and Aronson 29). If an individual’s basic view of him- or herself is one of being “good,” and the corresponding larger-scale view is of one’s own group being “good,” then mistakes that are made by either the individual or the group are likely to be minimized or denied in order to keep a self-understanding of uninterrupted “goodness” in play for as long as possible. And that’s the basis on which the authors explain seemingly irrational behavior: “So powerful is the need for consonance that when people are forced to look at disconfirming evidence, they will find a way to criticize, distort, or dismiss it so that they can maintain or even strengthen their existing belief” (Tavis and Aronson 18).

How does self-deception work at the level of the group? Robert Trivers contributes a valuable passage illuminating the process, as he inadvertently allows himself to think in terms of multilevel selection theory out of his evident concern (i.e., that “the entire nation” not be devastated by a war; Trivers 2002, 286) to see that we come to grips with this propensity:

[in the context of an examination of the phenomenon of warfare] Processes of group self-deception only make matters worse. Within each group individuals are misoriented in the same direction, easily reinforcing each other, and absence of contrary views is taken as confirming evidence (even silence is misinterpreted as support). (Trivers 2002, 289)

Yes, if members of a certain language community are all carrying what is basically the same conceptual framework, supporting roughly the same web of particular beliefs, they are likely to speak of them to one another from time to time, thus reinforcing the hold those beliefs (and the larger framework) will have in their minds while simultaneously denying access to “contrary views” that might shake up the belief web. The heretical ideas themselves are unlikely to be given a fair, dispassionate, “rational” examination. Since such a closed-minded attitude is incompatible with the ideal of giving adequate scrutiny to an issue, moreover, and they “know” this at some level of awareness, group members are likely to suffer some internal distress, hence upping the emotional tone while all the more vehemently denying, intellectually, that they are being anything other than “objective.”

Now, coming face to face with cognitive dissonance theory should induce most people to take a somewhat closer look in the mirror. Are there beliefs that we, as individuals, “know” at some level but are denying at others so as not to have to admit that we have made mistakes? How could we ever be sure there are not? This question may rightly invoke the traditional western “problem of knowledge” with all its accompanying concerns and cul-de-sacs, but awareness of the possibility of deception not by an “evil demon” but by ourselves should be additionally sobering. And an even harder question, of course, is: Are we all, in groups (and of course as individuals we may be members of many groups, sometimes with beliefs that, if taken literally, are markedly in conflict with one another), deceiving ourselves about certain things, and mutually reinforcing these ideas in each other so forcefully that conflicting thoughts have a great difficulty penetrating—indeed, are we “unconsciously” hammering them down as just so many “heresies”? The difficulties disclosed by recent discourse over the extent to which “science” is socially constructed help to illuminate the problem here, although I believe many issues on the table for public scrutiny are, fortunately, somewhat less intractable; the “facts” regarding whether or not particular actions have been taken or certain crimes committed, for example, are not quite as ontologically slippery as whether quarks “exist” or how two seemingly separate particles can continue to be connected by “nonlocal” effects. (More challenging, however, will be sorting out an accurate picture of reality from all the intentionally misrepresented scientific “results,” and cleverly faked scientific data, that has lately been coming to light.)

But what would it matter if we were collectively deceiving ourselves? Aren’t we better off continuing to do so than making all kinds of trouble for ourselves by admitting that some of the convictions that have gotten lodged in our common belief web are false? The answer to that is, of course, No. And I will again enlist Sober and Wilson to explain why. After recounting their story about the squibs and the squabs, Sober and Wilson go on to articulate a most profound “asymmetry” between the two levels of selection: “*Within-group selection* [selection at the level of individual organisms inside a group boundary] *can favor any behavior, depending on the social norm of the*

group. *Between-group selection favors only social norms that lead to functionally adaptive groups*” (Sober and Wilson 152). The first part of this statement holds that virtually any behavior at all can become established within a human group, no matter how contingent the circumstances of its arising, if it is held in place by the positive or negative feedback of the members of that group; once certain patterns of dress, sexual activity, social organization, speech and thought—including the particular configuration of the shared web of belief uniting the group—become “the norm,” they will be maintained by the “conforming” actions of individuals who want to remain accepted members of the group. Much self-policing behavior will occur below the level of conscious awareness—people just grow up learning “what one does” in any given context (see, e.g., Searle 137-47, on what he calls “the background”). Individuals may compete with other individuals for positions of greater and greater control over the flowing of social power within the system, but the process of selection for rising to these higher levels will be largely blind to the behaviors that all members of the group share (though not to a failure to share them). Since thinking in concordance with the common belief web is something that “everyone does,” and thinking differently would likely put any individual member at a disadvantage, that of potentially being criticized, ostracized, or even scapegoated (see Colman) by others, it’s not hard to understand how the processes excluding heretical thoughts might come into being within a group. So why is this a problem?

The answer lies in the second half of Sober and Wilson’s pronouncement. *Between-group selection favors only social norms that lead to functionally adaptive groups*. A group, a human society, is a self-organizing, self-maintaining entity of a higher level than a human individual; such an entity, by definition, has internal functions it must perform, and it must be able to adapt to changing conditions, continuing its life-sustaining activities all the while. Certain kinds of norms—whether or not persons of a particular gender cover their heads with scarves or skullcaps, for example, or shave their legs and their armpits—have little to do with the functioning of a society, as long as that society can continue to feed, clothe, shelter, and properly care for its members. If behaviors that run counter to these vital functions—gunning down strangers on street corners, for example, or indiscriminately disregarding traffic signals—become normative, however, at some point societal breakdown will result—even though these behaviors may be advantageous to certain individuals in the short run. If climate patterns or other environmental conditions change, moreover, dramatically enough to require major alterations in food production, say, or water distribution, there must be enough flexibility in the behavioral repertoire of the group to meet these challenges, or the group may be unable to adapt. Should another group with more viable norms happen to come on the scene at such times, the territory might be theirs for the taking.

It’s relatively easy to see the connection with function when considering actions of helping or hurting others—that’s how we evolved our “sense of justice,” our “intrinsic moral compass,” in the first place, or so many biologists and philosophers are beginning to believe (see, e.g., de Waal).

In the epistemic realm the linkage may be a little less apparent, but I think the same considerations apply. A functionally adaptive human society needs to utilize the feedback it gets from all its eyes and ears and minds when its members interact with reality—the “ontologically objective” kind—and yes, there is such a thing, otherwise we could just “legislate” global warming right out of existence. If we suppress messages informing us that our socially constructed reality is starting to get out of sync with our physical and biological reality, simply because these messages cause discomfort to people who wish to hold onto a set of cherished but erroneous beliefs, the effects on societal function may not be immediate. But over time, if a human group seduces itself into adhering more and more exclusively to a coherence theory of truth, letting go of the notion that statements are true or false insofar as they correspond to actual states of affairs, it may gradually become less and less able to attend to internal or external changes. It might even fail to notice when an increasing number of its own members begin to lack the basic necessities of life, since such an unpleasant fact would conflict with the belief in its own goodness. A human society needs to allow “heretical” messages, thoughts that conflict with some of its own core beliefs, including the belief that the group itself is always on the right track, to penetrate its collective consciousness, in order to be able to deal with reality. A society that hammers down all heresies is, over the long run, in danger of losing its “epistemic compass,” becoming not only unable to adapt to change but possibly in danger of breaking asunder as its institutions become increasingly dysfunctional.

For a group to follow in the footsteps of Sober and Wilson’s successful “squibs” with respect to issues of knowledge, therefore, I would suggest that it explicitly institute a parallel social norm of “Tell the truth to fellow squibs, punish those who don’t (by blocking it out as well as by outright lying), and punish those who fail to punish.” To carry out the latter duty, the third-party punisher must go beyond calling out the liar or the cheater that he or she happens to stumble over, by taking responsibility for punishing others who fail to speak up when untruths directly under their purvey are being touted. Is it possible, for example, with respect to the larger political scene, that otherwise rational individuals, out of a desperate need to continue believing “our group good,” all of the time (even under the direction of a very bad leader), have succeeded in carrying out a “teleological suspension of the laws of physics” within their own minds (see Kierkegaard, Griffin)? There may be some risk to playing the role of the card-caller—and this risk no doubt grows as the group is allowed to stray farther and farther from a norm of epistemic integrity—but to many of us it would seem outweighed by the far more serious risk we all run when our collective trajectory is determined by largely unexamined commitments, reinforced by strong group-level emotions, that may be indefensible when exposed to the light of fully conscious deliberation. One strategy for the third-party punisher to pursue in situations like that described by Gould, when a sincere inquiry is slapped down by “dripping irony,” or perhaps greeted with a meaningful shoulder shrug or averted gaze (intentional nonverbal put-downs hiding beneath the cloak of inarticulability), is that of

redirecting attention so as to “make the unconscious conscious” (see Belenky et al. 141). Since much of the power of the social forces underlying heresy-hammering or, in a larger theater, reality-blocking, seems to lie in their being operative below the level of conscious thought, rational confrontation and a demand for justification may prove an effective deflationary tactic.

Since so many of our present-day activities as individuals, moreover, are currently harnessed to practices maintaining various sorts of superorganismal entities—nation-states, corporations, political factions—that are often negatively efficacious with respect to the sustained, long-term viability of our species, perhaps allowing ourselves to become more adept at visualizing and articulating “what keeps it all going”—how such structures perpetuate themselves and how they might transform themselves—would be in order. As Searle observes, “the remarkable feature of institutional structures is that people continue to acknowledge and cooperate in many of them even when it is by no means obviously to their advantage to do so” (Searle 92). Were we but a little more conscious, a little less prone to self-deception, we might be able to discover better ways of organizing ourselves to meet real human needs instead of perpetuating the patterns in which we presently seem to be “Enframed.” I do not mean to be unduly sanguine—and, over the coming short run, believe me, I am not—but if our species can survive long enough to evolve more life-affirming structures (a possibility for which Nietzsche seemed to hold out some hope), there is a chance that, one day, it might give rise to “cooperators, bequeathing productive resources as well as genes to posterity”—progeny who, unlike ourselves, have “developed an unsurpassed strategy for survival” (see Wynne-Edwards 1986, 13) by limiting their own numbers as well as self-defeating intergroup conflict, through conscious, internally generated choice.

### Notes

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<sup>1</sup> One such set of experiments was carried out by Bibb Latane and John Darley in the 1960s, inspired by the failure of bystanders to intervene in the very public murder of Kitty Genovese in New York City in 1964. Latane and Darley found that helping behavior was exhibited by about 70% of experimental subjects who were alone when confronted with a situation simulating a person “in distress,” but that the willingness to help dropped off when another person was present while the experiment was being conducted. When two friends were tested together, they tended to inhibit each other somewhat, and offered to help less often than a single subject in the “alone” condition; when asked, however, they generally readily admitted to having been affected in their response by their friend’s presence. The most dramatic drop in helping behavior was found in subjects under conditions of observation by an anonymous “peer” (actually a confederate of the experimenters) who refused to offer help; in the latter condition, only 7% of subjects offered help on their own. Subjects in this “passive confederate” situation, who were the most inhibited, tended to claim that they were “very little” influenced by the stranger in the room.

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<sup>2</sup> I must attribute the inspiration of this term to Gould himself, who states “Williams’s doctrine . . . serves as a hammer against group selection” (Gould 551).

<sup>3</sup> Williams’s commitment to the framework of metaphysical atomism seems to have been quite explicit; he even pays homage to “Dalton’s atomic theory,” holding forth that such thinking, while it may not exactly represent “the truth,” surely supplies “the light and the way” (Williams 273, as quoted in Gould 552).

<sup>4</sup> It seems that even David Barash, writing in a recent issue of *The Chronicle of Higher Education*, has become willing to consider group selection as at least “a conceivable explanation” for the evolution of altruism, and in particular for “third-party punishment.” Barash’s own reluctance to deviate from the party line of anti-group selectionist sentiment continues to this day, however—after laying out a fairly plausible group-level account, he carefully notes that personally he “doubt[s] it” (Barash B13).

<sup>5</sup> Interestingly enough, Trivers, like Gould, recounts an emotionally scarring initiation into the “manhood” of group selection rejection, as follows. He apparently first found Wynne-Edwards’s thinking to be quite challenging and invigorating, until an elder initiate took him in hand. Having been contemplating a possible connection between caribou antlers, habitat quality, and caribou reproduction, Trivers confesses, “I tried the idea out on my teacher, a biologist overseeing my writing, and I will never forget his reaction. *He sat there, the way a priest might if his favorite altar boy had come and relayed heresy to him.* He wanted to be friendly, but there was a deeply pained expression on his face. He turned sideways and said to himself, ‘Sounds like Wynne-Edwards to me’” (Trivers 1985, 80; italics added). Struggling with the issue seems to have occupied Trivers’s mind for some time—“if he was right, then whole worlds of sociology, anthropology, and political science came crashing to the ground”—but after reading David Lack (presumably his 1966 *Population Studies of Birds*) at the behest of his teacher over and over again, “[f]inally Wynne-Edwards let go completely and slipped off into the surrounding gloom” (Trivers 1985, 81). This process—what some might even call a “brainwashing”—was apparently so successful that, almost twenty years after having described that incident, Trivers remarks, with some of the smugness of one who will not let himself be fooled again, that (with a nod to Richard Alexander) “group selection thinking—the mistaken belief that natural selection favors things that are good for the group or the species—is just the kind of social theory you would expect to be promulgated in a group-living species whose members are concerned to increase each other’s group orientation” (Trivers 2002, 276). He calls it a “self-serving social theory,” the creation of which “hide[s] the true intention” of—whom? There may indeed be a significant number of individuals who are out to pick the pockets of others gullible enough to believe in doing things that promote “the good of the group,” but is it possible that by refusing to recognize the existence of more diffusely prosocial behaviors certain other sorts of “social theorists” are justifying a failure to take responsibility for actions rightly geared toward “increase [in] each

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other's group orientation"? However, see Trivers 2006 for a possibly somewhat revised view of his thinking with respect to social groups.

<sup>6</sup> Ontologically, the idea that there exist multiple levels upon which functional wholes can be discerned, wholes that actively maintain their own organizational integrity for a time, is hardly shocking or surprising; the natural world is replete with them, and some might even give this as a definition of "living being" (see Goodpaster). That the human individual can be understood as a single organism is something few would deny, yet living humans are teeming with myriad smaller individual organisms in the form of gut flora, follicle mites and the like; human bodies are maintained in a state of health by functioning organ systems, some parts of which (like appendixes, or perhaps spleens) can be removed without apparent loss of functionality while others cannot; and several human individuals can cooperate to carry out a task with more efficiency than each could alone. A combination of living organisms of quite different forms—photosynthetic plants trapping the sun's energy, animals enmeshed in food webs utilizing it in various ways, fungal and microbial organisms continuing its dissipation while releasing the material of nature back into elements for another cycle of recombination—coevolve together in the form of a living ecosystem. The biosphere itself is a functioning whole, maintained in its present state by a staggeringly complex set of chemical and biological interactions that we humans are just beginning to comprehend. Moreover, at all of these levels, a tremendous amount of *agency* is displayed—the biochemical, physiological, social, and ecological processes that keep the living world together are constantly maintaining the "system" in a most active way, and they are now being revealed in all their Heraclitean glory through the wonders of technology, from the "walking" of a dynein molecule down the length of a microtubule to the shifting currents of blood nourishing our cerebrums as we cogitate on real-time fMRI. "Life wants to Live," and is busily going about doing so all around us, all of the time; meanwhile, "meaning" emerges out of the multiplicity of life processes we humans share with the rest of nature (also joy, and laughter, and dancing, or so Nietzsche would have us see). We do not need to structure our metaphysical metaphors according to what should be a long-buried model of a dead and desolate universe after all, nor do any of us need to work so hard at being "masculine" and keeping a "stiff upper lip" (in lieu of something else?) about the tragedy of all this self-constructed nihilism.



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