

In Defense of Prejudice: Why Incendiary Speech Must Be Protected

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THE WAR on prejudice is now, in all likelihood, the most uncontroversial social movement in America. Opposition to "hate speech," formerly identified with the liberal left, has become a bipartisan piety. In the past year, groups and factions that agree on nothing else have agreed that the public expression of any and all prejudices must be forbidden. On the left, protesters and editorialists have insisted that Francis L. Lawrence resign as president of Rutgers University for describing blacks as "a disadvantaged population that doesn't have that genetic, hereditary background to have a higher average." On the other side of the ideological divide, Ralph Reed, the executive director of the Christian Coalition, responded to criticism of the religious right by calling a press conference to denounce a supposed outbreak of "namecalling, scapegoating, and religious bigotry." Craig Rogers, an evangelical Christian student at California State University, recently filed a \$2.5 million sexual-harassment suit against a lesbian professor of psychology, claiming that anti-male bias in one of her lectures violated campus rules and left him feeling "raped and trapped."

In universities and on Capitol Hill, in workplaces and newsrooms, authorities are declaring that there is no place for racism, sexism, homophobia, Christian-bashing, and other forms of prejudice in public debate or even in private thought. "Only when racism and other forms of prejudice are expunged," say the crusaders for sweetness and light, "can minorities be safe and society be fair." So sweet, this dream of a world without prejudice. But the very last thing society should do is seek to utterly eradicate racism and other forms of prejudice.

I SUPPOSE I should say, in the customary I-hope-I-don't-sound-too-defensive tone, that I am not a racist and that this is not an article favoring racism or any other particular prejudice. It is an article favoring intellectual pluralism, which permits the expression of various forms of bigotry and always will. Although we like to hope that a time will come when no one will believe that people come in types and that each type belongs with its own kind, I doubt such a day will ever arrive. By all indications, Homo sapiens is a tribal species for whom "us versus them" comes naturally and must be continually pushed back. Where there is genuine freedom of expression, there will be racist expression. There will also be people who believe that homosexuals are sick or threaten children or--especially among teenagers--are rightful targets of manly savagery. Homosexuality will always be incomprehensible to most people, and what is incomprehensible is feared. As for anti-Semitism, it appears to be a hardier virus than influenza. If you want pluralism, then you get racism and sexism and homophobia, and communism and fascism and xenophobia and tribalism, and that is just for a start. If you want to believe in intellectual freedom and the progress of knowledge and the advancement of science and all those other good things, then you must swallow hard and accept this: for as thickheaded and wayward an animal as us, the realistic question is how to make the best of prejudice, not how to eradicate it.

Indeed, "eradicating prejudice" is so vague a proposition as to be meaningless. Distinguishing prejudice reliably and nonpolitically from non-prejudice, or even defining it crisply, is quite hopeless. We all feel we know prejudice when we see it. But do we? At the University of Michigan, a student said in a classroom discussion that he considered homosexuality a disease

treatable with therapy. He was summoned to a formal disciplinary hearing for violating the school's policy against speech that "victimizes" people based on "sexual orientation." Now, the evidence is abundant that this particular hypothesis is wrong, and any American homosexual can attest to the harm that the student's hypothesis has inflicted on many real people. But was it a statement of prejudice or of misguided belief? Hate speech or hypothesis? Many Americans who do not regard themselves as bigots or haters believe that homosexuality is a treatable disease. They may be wrong, but are they all bigots? I am unwilling to say so, and if you are willing, beware. The line between a prejudiced belief and a merely controversial one is elusive, and the harder you look the more elusive it becomes. "God hates homosexuals" is a statement of fact, not of bias, to those who believe it; "American criminals are disproportionately black" is a statement of bias, not of fact, to those who disbelieve it.

Who is right? You may decide, and so may others, and there is no need to agree. That is the great innovation of intellectual pluralism (which is to say, of post-Enlightenment science, broadly defined). We cannot know in advance or for sure which belief is prejudice and which is truth, but to advance knowledge we don't need to know. The genius of intellectual pluralism lies not in doing away with prejudices and dogmas but in channeling them--making them socially productive by pitting prejudice against prejudice and dogma against dogma, exposing all to withering public criticism. What survives at the end of the day is our base of knowledge.

WHAT they told us in high school about this process is very largely a lie. The Enlightenment tradition taught us that science is orderly, antiseptic, rational, the province of detached experimenters and high-minded logicians. In the popular view, science stands for reason against prejudice, open-mindedness against dogma, calm consideration against passionate attachment--all personified by pop-science icons like the magisterially deductive Sherlock Holmes, the coolly analytic Mr. Spock, the genially authoritative Mr. Science (from our junior-high science films). Yet one of science's dirty secrets is that although science as a whole is as unbiased as anything human can be, scientists are just as biased as anyone else, sometimes more so. "One of the strengths of science," writes the philosopher of science David L. Hull, "is that it does not require that scientists be unbiased, only that different scientists have different biases." Another dirty secret is that, no less than the rest of us, scientists can be dogmatic and pigheaded. "Although this pigheadedness often damages the careers of individual scientists," says Hull, "it is beneficial for the manifest goal of science," which relies on people to invest years in their ideas and defend them passionately. And the dirtiest secret of all, if you believe in the antiseptic popular view of science, is that this most ostensibly rational of enterprises depends on the most irrational of motives--ambition, narcissism, animus, even revenge. "Scientists acknowledge that among their motivations are natural curiosity, the love of truth, and the desire to help humanity, but other inducements exist as well, and one of them is to 'get that son of a bitch,'" says Hull. "Time and again, scientists whom I interviewed described the powerful spur that 'showing that son of a bitch' supplied to their own research."

Many people, I think, are bewildered by this unvarnished and all too human view of science. They believe that for a system to be unprejudiced, the people in it must also be unprejudiced. In fact, the opposite is true. Far from eradicating ugly or stupid ideas and coarse or unpleasant motives, intellectual pluralism relies upon them to excite intellectual passion and redouble scientific effort. I know of no modern idea more ugly and stupid than that the Holocaust never

happened, nor any idea more viciously motivated. Yet the deniers' claims that the Auschwitz gas chambers could not have worked led to closer study and, in 1993, research showing, at last, how they actually did work. Thanks to prejudice and stupidity, another opening for doubt has been shut.

An enlightened and efficient intellectual regime lets a million prejudices bloom, including many that you or I may regard as hateful or grotesque. It avoids any attempt to stamp out prejudice, because stamping out prejudice really means forcing everyone to share the same prejudice, namely that of whoever is in authority. The great American philosopher Charles Sanders Peirce wrote in 1877: "when complete agreement could not otherwise be reached, a general massacre of all who have not thought in a certain way has proved a very effective means of settling opinion in a country." In speaking of "settling opinion," Peirce was writing about one of the two or three most fundamental problems that any human society must confront and solve. For most societies down through the centuries, this problem was dealt with in the manner he described: errors were identified by the authorities--priests, politburos, dictators--or by mass opinion, and then the error-makers were eliminated along with their putative mistakes. "Let all men who reject the established belief be terrified into silence," wrote Peirce, describing this system. "This method has, from the earliest times, been one of the chief means of upholding correct theological and political doctrines."

Intellectual pluralism substitutes a radically different doctrine: we kill our mistakes rather than each other. Here I draw on another great philosopher, the late Karl Popper, who pointed out that the critical method of science "consists in letting our hypotheses die in our stead." Those who are in error are not (or are not supposed to be) banished or excommunicated or forced to sign a renunciation or required to submit to "rehabilitation" or sent for psychological counseling. It is the error we punish, not the errant. By letting people make errors--even mischievous, spiteful errors (as, for instance, Galileo's insistence on Copernicanism was taken to be in 1633)--pluralism creates room to challenge orthodoxy, think imaginatively, experiment boldly. Brilliance and bigotry are empowered in the same stroke.

Pluralism is the principle that protects and makes a place in human company for that loneliest and most vulnerable of all minorities, the minority who is hounded and despised among blacks and whites, gays and straights, who is suspect or criminal among every tribe and in every nation of the world, and yet on whom progress depends: the dissident. I am not saying that dissent is always or even usually enlightened. Most of the time it is foolish and self-serving. No dissident has the right to be taken seriously, and the fact that Aryan Nation racists or Nation of Islam anti-Semites are unorthodox does not entitle them to respect. But what goes around comes around. As a supporter of gay marriage, for example, I reject the majority's view of family, and as a Jew I reject its view of God. I try to be civil, but the fact is that most Americans regard my views on marriage as a reckless assault on the most fundamental of all institutions, and many people are more than a little discomfited by the statement "Jesus Christ was no more divine than anybody else" (which is why so few people ever say it). Trap the racists and anti-Semites, and you lay a trap for me too. Hunt for them with eradication in your mind, and you have brought dissent itself within your sights.

THE new crusade against prejudice waves aside such warnings. Like earlier crusades against antisocial ideas, the mission is fueled by good (if cocksure) intentions and a genuine sense of urgency. Some kinds of error are held to be intolerable, like pollutants that even in small traces poison the water for a whole town. Some errors are so pernicious as to damage real people's lives, so wrongheaded that no person of right mind or goodwill could support them. Like their forebears of other stripe--the Church in its campaigns against heretics, the McCarthyites in their campaigns against Communists--the modern anti-racist and anti-sexist and anti-homophobic campaigners are totalists, demanding not that misguided ideas and ugly expressions be corrected or criticized but that they be eradicated. They make war not on errors but on error, and like other totalists they act in the name of public safety--the safety, especially, of minorities.

The sweeping implications of this challenge to pluralism are not, I think, well enough understood by the public at large. Indeed, the new brand of totalism has yet even to be properly named. "Multiculturalism," for instance, is much too broad. "Political correctness" comes closer but is too trendy and snide. For lack of anything else, I will call the new antipluralism "purism," since its major tenet is that society cannot be just until the last traces of invidious prejudice have been scrubbed away. Whatever you call it, the purists' way of seeing things has spread through American intellectual life with remarkable speed, so much so that many people will blink at you uncomprehendingly or even call you a racist (or sexist or homophobe, etc.) if you suggest that expressions of racism should be tolerated or that prejudice has its part to play.

The new purism sets out, to begin with, on a campaign against words, for words are the currency of prejudice, and if prejudice is hurtful then so must be prejudiced words. "We are not safe when these violent words are among us," wrote Mari Matsuda, then a UCLA law professor. Here one imagines gangs of racist words swinging chains and smashing heads in back alleys. To suppress bigoted language seems, at first blush, reasonable, but it quickly leads to a curious result. A peculiar kind of verbal shamanism takes root, as though certain expressions, like curses or magical incantations, carry in themselves the power to hurt or heal--as though words were bigoted rather than people. "Context is everything," people have always said. The use of the word "nigger" in *Huckleberry Finn* does not make the book an "act" of hate speech--or does it? In the new view, this is no longer so clear. The very utterance of the word "nigger" (at least by a non-black) is a racist act. When a Sacramento Bee cartoonist put the word "nigger" mockingly in the mouth of a white supremacist, there were howls of protest and 1,400 canceled subscriptions and an editorial apology, even though the word was plainly being invoked against racists, not against blacks.

Faced with escalating demands of verbal absolutism, newspapers issue lists of forbidden words. The expressions "gyp" (derived from "Gypsy") and "Dutch treat" were among the dozens of terms stricken as "offensive" in a much-ridiculed (and later withdrawn) Los Angeles Times speech code. The University of Missouri journalism school issued a Dictionary of Cautionary Words and Phrases, which included "Buxom: Offensive reference to a woman's chest. Do not use. See 'Woman.' Codger: Offensive reference to a senior citizen."

AS was bound to happen, purists soon discovered that chasing around after words like "gyp" or "buxom" hardly goes to the roots of the problem. As long as they remain bigoted, bigots will simply find other words. If they can't call you a kike then they will say Jewboy, Judas, or Hebe,

and when all those are banned they will press words like "oven" and "lampshade" into their service. The vocabulary of hate is potentially as rich as your dictionary, and all you do by banning language used by cretins is to let them decide what the rest of us may say. The problem, some purists have concluded, must therefore go much deeper than laws: it must go to the deeper level of ideas. Racism, sexism, homophobia, and the rest must be built into the very structure of American society and American patterns of thought, so pervasive yet so insidious that, like water to a fish, they are both omnipresent and unseen. The mere existence of prejudice constructs a society whose very nature is prejudiced.

This line of thinking was pioneered by feminists, who argued that pornography, more than just being expressive, is an act by which men construct an oppressive society. Racial activists quickly picked up the argument. Racist expressions are themselves acts of oppression, they said. "All racist speech constructs the social reality that constrains the liberty of nonwhites because of their race," wrote Charles R. Lawrence III, then a law professor at Stanford. From the purist point of view, a society with even one racist is a racist society, because the idea itself threatens and demeans its targets. They cannot feel wholly safe or wholly welcome as long as racism is present. Pluralism says: There will always be some racists. Marginalize them, ignore them, exploit them, ridicule them, take pains to make their policies illegal, but otherwise leave them alone. Purists say: That's not enough. Society cannot be just until these pervasive and oppressive ideas are searched out and eradicated.

And so what is now under way is a growing drive to eliminate prejudice from every corner of society. I doubt that many people have noticed how far-reaching this anti-pluralist movement is becoming.

In universities: Dozens of universities have adopted codes proscribing speech or other expression that (this is from Stanford's policy, which is more or less representative) "is intended to insult or stigmatize an individual or a small number of individuals on the basis of their sex, race, color, handicap, religion, sexual orientation or national and ethnic origin." Some codes punish only persistent harassment of a targeted individual, but many, following the purist doctrine that even one racist is too many, go much further. At Penn, an administrator declared: "We at the University of Pennsylvania have guaranteed students and the community that they can live in a community free of sexism, racism, and homophobia." Here is the purism that gives "political correctness" its distinctive combination of puffy high-mindedness and authoritarian zeal.

In school curricula: "More fundamental than eliminating racial segregation has to be the removal of racist thinking, assumptions, symbols, and materials in the curriculum," writes theorist Molefi Kete Asante. In practice, the effort to "remove racist thinking" goes well beyond striking egregious references from textbooks. In many cases it becomes a kind of mental engineering in which students are encouraged to see prejudice everywhere; it includes teaching identity politics as an antidote to internalized racism; it rejects mainstream science as "white male" thinking; and it tampers with history, installing such dubious notions as that the ancient Greeks stole their culture from Africa or that an ancient carving of a bird is an example of "African experimental aeronautics."

In criminal law: Consider two crimes. In each, I am beaten brutally; in each, my jaw is smashed and my skull is split in just the same way. However, in the first crime my assailant calls me an "asshole"; in the second he calls me a "queer." In most states, in many localities, and, as of September 1994, in federal cases, these two crimes are treated differently: the crime motivated by bias--or deemed to be so motivated by prosecutors and juries--gets a stiffer punishment. "Longer prison terms for bigots," shrilled Brooklyn Democratic Congressman Charles Schumer, who introduced the federal hate-crimes legislation, and those are what the law now provides. Evidence that the assailant holds prejudiced beliefs, even if he doesn't actually express them while committing an offense, can serve to elevate the crime. Defendants in hate-crimes cases may be grilled on how many black friends they have and whether they have told racist jokes. To increase a prison sentence only because of the defendant's "prejudice" (as gauged by prosecutor and jury) is, of course, to try minds and punish beliefs. Purists say, Well, they are dangerous minds and poisonous beliefs.

In the workplace: Though government cannot constitutionally suppress bigotry directly, it is now busy doing so indirectly by requiring employers to eliminate prejudice. Since the early 1980s, courts and the Equal Employment Opportunity Commission have moved to bar workplace speech deemed to create a hostile or abusive working environment for minorities. The law, held a federal court in 1988, "does require that an employer take prompt action to prevent ... bigots from expressing their opinions in a way that abuses or offends their co-workers," so as to achieve "the goal of eliminating prejudices and biases from our society." So it was, as UCLA law professor Eugene Volokh notes, that the EEOC charged that a manufacturer's ads using admittedly accurate depictions of samurai, kabuki, and sumo were "racist" and "offensive to people of Japanese origin"; that a Pennsylvania court found that an employer's printing Bible verses on paychecks was religious harassment of Jewish employees; that an employer had to desist using gender-based job titles like "foreman" and "draftsman" after a female employee sued.

On and on the campaign goes, darting from one outbreak of prejudice to another like a cat chasing flies. In the American Bar Association, activists demand that lawyers who express "bias or prejudice" be penalized. In the Education Department, the civil-rights office presses for a ban on computer bulletin board comments that "show hostility toward a person or group based on sex, race or color, including slurs, negative stereotypes, jokes or pranks." In its security checks for government jobs, the FBI takes to asking whether applicants are "free of biases against any class of citizens," whether, for instance, they have told racist jokes or indicated other "prejudices." Joke police! George Orwell, grasping the close relationship of jokes to dissent, said that every joke is a tiny revolution. The purists will have no such rebellions.

THE purist campaign reaches, in the end, into the mind itself. In a lecture at the University of New Hampshire, a professor compared writing to sex ("You and the subject become one"); he was suspended and required to apologize, but what was most insidious was the order to undergo university-approved counseling to have his mind straightened out. At the University of Pennsylvania, a law lecturer said, "We have ex-slaves here who should know about the Thirteenth Amendment"; he was banished from campus for a year and required to make a public apology, and he, too, was compelled to attend a "sensitivity and racial awareness" session.

Mandatory re-education of alleged bigots is the natural consequence of intellectual purism. Prejudice must be eliminated!

Ah, but the task of scouring minds clean is Augean. "Nobody escapes," said a Rutgers University report on campus prejudice. Bias and prejudice, it found, cross every conceivable line, from sex to race to politics: "No matter who you are, no matter what the color of your skin, no matter what your gender or sexual orientation, no matter what you believe, no matter how you behave, there is somebody out there who doesn't like people of your kind." Charles Lawrence writes: "Racism is ubiquitous. We are all racists." If he means that most of us think racist thoughts of some sort at one time or another, he is right. If we are going to "eliminate prejudices and biases from our society," then the work of the prejudice police is unending. They are doomed to hunt and hunt and hunt, scour and scour and scour.

What is especially dismaying is that the purists pursue prejudice in the name of protecting minorities. In order to protect people like me (homosexual), they must pursue people like me (dissident). In order to bolster minority self-esteem, they suppress minority opinion. There are, of course, all kinds of practical and legal problems with the purists' campaign: the incursions against the First Amendment; the inevitable abuses by prosecutors and activists who define as "hateful" or "violent" whatever speech they dislike or can score points off of; the lack of any evidence that repressing prejudice eliminates rather than inflames it. But minorities, of all people, ought to remember that by definition we cannot prevail by numbers, and we generally cannot prevail by force. Against the power of ignorant mass opinion and group prejudice and superstition, we have only our voices. If you doubt that minorities' voices are powerful weapons, think of the lengths to which Southern officials went to silence the Reverend Martin Luther King Jr. (recall that the city commissioner of Montgomery, Alabama, won a \$500,000 libel suit, later overturned in *New York Times v. Sullivan* [1964], regarding an advertisement in the Times placed by civil-rights leaders who denounced the Montgomery police). Think of how much gay people have improved their lot over twenty-five years simply by refusing to remain silent. Recall the Michigan student who was prosecuted for saying that homosexuality is a treatable disease, and notice that he was black. Under that Michigan speech code, more than twenty blacks were charged with racist speech, while no instance of racist speech by whites was punished. In Florida, the hate-speech law was invoked against a black man who called a policeman a "white cracker"; not so surprisingly, in the first hate-crimes case to reach the Supreme Court, the victim was white and the defendant black.

In the escalating war against "prejudice," the right is already learning to play by the rules that were pioneered by the purist activists of the left. Last year leading Democrats, including the President, criticized the Republican Party for being increasingly in the thrall of the Christian right. Some of the rhetoric was harsh ("fire-breathing Christian radical right"), but it wasn't vicious or even clearly wrong. Never mind: when Democratic Representative Vic Fazio said Republicans were "being forced to the fringes by the aggressive political tactics of the religious right," the chairman of the Republican National Committee, Haley Barbour, said, "Christian-bashing" was "the left's preferred form of religious bigotry." Bigotry! Prejudice! "Christians active in politics are now on the receiving end of an extraordinary campaign of bias and prejudice," said the conservative leader William J. Bennett. One discerns, here, where the new purism leads. Eventually, any criticism of any group will be "prejudice."

HERE is the ultimate irony of the new purism: words, which pluralists hope can be substituted for violence, are redefined by purists as violence. "The experience of being called 'nigger,' 'spic,' 'Jap,' or 'kike' is like receiving a slap in the face," Charles Lawrence wrote in 1990. "Psychic injury is no less an injury than being struck in the face, and it often is far more severe." This kind of talk is commonplace today. Epithets, insults, often even polite expressions of what's taken to be prejudice are called by purists "assaultive speech," "words that wound," "verbal violence." "To me, racial epithets are not speech," one University of Michigan law professor said. "They are bullets." In her speech accepting the 1993 Nobel Prize for Literature in Stockholm, Sweden, the author Toni Morrison said this: "Oppressive language does more than represent violence; it is violence."

It is not violence. I am thinking back to a moment on the subway in Washington, a little thing. I was riding home late one night and a squad of noisy kids, maybe seventeen or eighteen years old, noisily piled into the car. They yelled across the car and a girl said, "Where do we get off?"

A boy said, "Farragut North."

The girl: "Faggot North!"

The boy: "Yeah! Faggot North!"

General hilarity.

First, before the intellect resumes control, there is a moment of fear, an animal moment. Who are they? How many of them? How dangerous? Where is the way out? All of these things are noted preverbally and assessed by the gut. Then the brain begins an assessment: they are sober, this is probably too public a place for them to do it, there are more girls than boys, they were just talking, it is probably nothing.

They didn't notice me and there was no incident. The teenage babble flowed on, leaving me to think. I became interested in my own reaction: the jump of fear out of nowhere like an alert animal, the sense for a brief time that one is naked and alone and should hide or run away. For a time, one ceases to be a human being and becomes instead a faggot.

The fear engendered by these words is real. The remedy is as clear and as imperfect as ever: protect citizens against violence. This, I grant, is something that American society has never done very well and now does quite poorly. It is no solution to define words as violence or prejudice as oppression, and then by cracking down on words or thoughts pretend that we are doing something about violence and oppression. No doubt it is easier to pass a speech code or hate-crimes law and proclaim the streets safer than actually to make the streets safer, but the one must never be confused with the other. Every cop or prosecutor chasing words is one fewer chasing criminals. In a world rife with real violence and oppression, full of Rwandas and Bosnias and eleven-year-olds spraying bullets at children in Chicago and in turn being executed by gang lords, it is odious of Toni Morrison to say that words are violence.

Indeed, equating "verbal violence" with physical violence is a treacherous, mischievous business. Not long ago a writer was charged with viciously and gratuitously wounding the feelings and dignity of millions of people. He was charged, in effect, with exhibiting flagrant prejudice against Muslims and outrageously slandering their beliefs. "What is freedom of expression?" mused Salman Rushdie a year after the ayatollahs sentenced him to death and put a price on his head. "Without the freedom to offend, it ceases to exist." I can think of nothing sadder than that minority activists, in their haste to make the world better, should be the ones to forget the lesson of Rushdie's plight: for minorities, pluralism, not purism, is the answer. The campaigns to eradicate prejudice--all of them, the speech codes and workplace restrictions and mandatory therapy for accused bigots and all the rest--should stop, now. The whole objective of eradicating prejudice, as opposed to correcting and criticizing it, should be repudiated as a fool's errand. Salman Rushdie is right, Toni Morrison wrong, and minorities belong at his side, not hers.