

The Liberalism of the Other

JOHN DURHAM PETERS

University of Iowa

Editor's note: *Courting the Abyss* Author John Durham Peters responds to a critical review of his book which appears in this journal. Read Carolyn Marvin's book review at:
<http://ijoc.org/ojs/index.php/ijoc/article/view/304/137>

I am flattered that Carolyn Marvin gave *Courting the Abyss* (CA) such extended attention. Her call for a social history of civil liberties is excellent, as is her stirring defense of the liberal legal framework in the 20th century United States. She productively corrects some oversights in the book, and suggests an outline for a story it didn't try to tell, the rise of a robust but imperfect legal framework in 20th century America that supports diverse expression. Most original of all, I think, is her expansive reading of the liberal tradition as implying a logic of bodily sacrifice – a very suggestive counterpoint to the book's more traditional take on liberal self-transcendence. I hope she will yet deliver an extended treatment of her own vision of free speech. It would be a major contribution.

As I read *Courting the Abyss* – and I read it with some ambivalence – it has a relatively narrow aim. It is not about free speech, its history, or its legal framework, but rather, about the contradictions and ironies of the speech act of calling for free speech. Specifically, *Courting the Abyss* is concerned about how a potentially coercive moral monopoly by advocates for free speech risks jeopardizing precisely the pluralism the philosophy is supposed to foster. "This book attempts to treat the problem of liberalism's illiberal tendencies" (25). CA criticizes and reconstructs the ethics of free speech. It deviates from a heroic narrative and treats all three parties to the drama of free speech with playful irony. Its tonal register I read as an effort to avoid abetting what might be called liberalism's tendency to monopolize the moral high ground in the public sphere. *Courting the Abyss's* sometimes snarky language, as I now see, does not help readers to place the argument, and its uneven tone and vagueness of target may be two of the book's biggest failings. As I have lamented elsewhere, CA risks sounding too much like the conservative grumps who flail at the liberal piñata (beautiful phrase!) on the airwaves, a company I have no wish to keep and in which Marvin is not the first – quite mistakenly – to group me.¹

In times of war, cultural or otherwise, the line between friend and enemy often gets quite sharp. By placing *Courting the Abyss* in the context of culture wars, Marvin's review flattens a dialectical and ambivalent take on liberalism – vexed word, CA noted (9-14) – into an anti-liberal take, reading CA as

¹ Ethan Yorgason, "The Gospel in Communication: A Conversation with Communication Theorist John Durham Peters," *Dialogue: A Journal of Mormon Thought*, 40:4, 2007, p. 32.
<http://www.dialoguejournal.com/content/wp-content/uploads/2007/11/4004-Yorgason.pdf>

"an extended polemic against liberalism" when it calls itself an "immanent critique and reconstruction" (27). As the introduction rather bluntly states: "My aim is to defend liberal ideals in a fresh way" (22). Her notion of "abyss walkers" occurs nowhere in the text of *CA* and collapses the book's distinction between abyss artists (provocateurs) and abyss redeemers (sympathetic commentators); if *CA* sometimes makes fun of the former, it consistently defends the latter. I rather enjoy the drubbing Marvin administers to those who would clear the homeless off the streets, fetishize civility, draw a clear line between the sacred and the profane, and imagine that there is such a thing as original intent in constitutional interpretation. I simply don't find either *CA* or me a very good target.

Courting the Abyss is not bothered by offensive speech, but by the moral monopoly that some people get out of sponsoring it. *CA* concerns the ethics of arguing for free speech and has no interest in "tossing overboard" hard-won legal protections. Ethics and politics, though always intertwined, are not the same thing. Questionable political programs can feed off of unquestionable ethical intuitions, and vice versa. That censorship is bad is unexceptionable. But "noble ideals," as *CA* says, "lend themselves to hijacking" (19). A criticism of the hijacking is not a criticism of the ideal. *CA* does not bash offensive speech; it calls for a more self-reflexive and sensitive philosophy of free speech that would take responsibility for its partisan cultural politics rather than pretend to be the neutral umpire of the public sphere.

I read *Courting the Abyss* as more ironic about extremist speech than condemning. Marvin's review says that *CA* inveighs against the speech it hates. *CA*, in my reading, doesn't hate any speech; it offers a more "meta" sort of analysis in its suspicion of the moral bonus claimed in sponsoring extreme speech. The analysis of offensive speech is ambivalent and subtle, not denunciatory. Take some examples. The *Hustler* parody of Jerry Falwell is, *CA* says, "foul, vicious, mean, nasty, and clever" (171-172). The stinger climaxing this Hobbesian parade of adjectives grants the malicious wit of the parody. *CA* doesn't doubt the achievements of *New York Times v. Sullivan* or *Cohen v. California*; it notes the accompanying cultural politics about the relativism of taste and a robust ethic of public life. *CA* clearly admires Foucault, despite misgivings about his theater of unbearable sensations. And Holmes? *CA* ascribes to Holmes a heroic ethic and a tragic sense, both clear values in the book. He is, *CA* says, "sternly thoughtful" (12), and chapter 4 concludes – against the therapeutic ethos of critical race theory – that "Holmesian valor has something to offer" (179). Of course, I'd take James, Peirce, or Dewey as intellectual architects of democratic life well before Holmes, as I think Marvin would, but *CA*'s take on offensive speech and its defenders is not as one-sided as Marvin's review paints.

How much irreverence about liberal principles of free speech is tolerable in liberal precincts? It seems not very much. There is no doubt how much we all owe to brave men and women who paid in blood and time for free speech. But a legacy of important gains provides no exemption from criticism. A critic of liberal cultural politics does not thereby somehow endorse the punishment of Eugene V. Debs. Can we protect speech vigorously without also engaging in a cultural program that discriminates against the tender-minded or against those who have genuine problems with modernity? Is there a way to build a radically plural public world in which secular reason is not the exclusive common language? Even the great Jürgen Habermas has argued that liberal policies impose cognitive handicaps on those who argue

from a position of faith or tradition.² A refurbished liberalism would try to invite a more diverse group of participants in public life instead of further adding to the division of the human species. *CA*'s modest proposal for a step forward was the notion of abyss redemption, with its robust recognition that evil can produce good. This is not at all a "deluded" idea; *CA* calls it tragic and "harsh" (27). It is the central point of *CA*'s reading of Paul of Tarsus, a new and rather strange nominee for the liberal hall of fame and one of the greatest of all abyss-redeemers. (*Speaking into the Air*,[□] by the way, had not yet discovered Paul, except to take its title from one of his letters.)

Courting the Abyss agrees with many Marvin's points (as do I). The book discusses at length, with arguments quite similar to hers, the waning certainty about truth's triumph in liberal thought. *CA* argues that the historical conditions for liberal confidence in history have vanished (285-288). Like Marvin, *CA* quotes Mill's line that the guaranteed triumph of truth is "a pleasant falsehood" and goes on to add: "If Milton took truth as an undefeated wrestler, never vanquished in a match against falsehood, Mill's sporting metaphor might be a batting average. He has a statistical sense of truth's emergence . . ." (129). *CA* praises liberalism for its vision of a dicey universe in which "meaning is a gamble" and in which the returns are never fully in (178). And yet the liberal advocacy of free speech cannot function without a philosophy of history that banks on a long-term tropism toward truth. Even Marvin, while discussing the prevalence of support for free speech among the rich and educated, says that "we can be sure that this is a temporary circumstance, historically speaking." There is obviously a confidence here in history's clarifying work that deserves to be made explicit. *CA* never demeans this notion (as "cockamamie") or claims that any current liberal would endorse it in its extreme (Miltonic) form. The point is that a vigorous liberalism must critically reconstruct its optimistic or melioristic philosophy of history in an era once known as incredulous toward grand narratives.

Marvin's review claims that *Courting the Abyss* focuses ahistorically on civility. To be sure, many cultural conservatives in the 1990s used the call for civility to claim a moral high ground but neither *CA* nor its author is a big fan of civility. On my scale of virtues civility would rank pretty low; it's a skill for courtiers. *CA* is not a communitarian text, nervous about community-offending speech; if anything, its transcendentalist politics are dangerously individualistic, friendly to cynicism, and skeptical of dialogue. *CA* endorses instead the parody of civility that it dubs "transcendental buffoonery" and notes clearly that the call for civility can be used to sweep away upsetting people and ideas (271). As it says concerning the civil rights movement, "Being 'polite'" would mean not speaking at all. The streets were the medium of communication available to African-Americans – the poor man's printing press" (269). I am glad Marvin doesn't think *CA* would endorse removing the homeless as a public eyesore, especially since it explicitly defends the moral legitimacy of beggars exposing their mutilated bodies to passers-by as a form of "gut-wrenching shock" (231). Civility? No thanks. I'll take love and respect instead – which, as everyone

² Jürgen Habermas, "Religion in the Public Sphere," Holberg Prize address, 2005.

http://www.holberg.uib.no/downloads/diverse/hp/hp_2005/2005_hp_jurgenhabermas_religioninthepublicsphere.pdf

[□] *IJoC* Editor's note: *Speaking into the Air: A History of the Idea of Communications* is a 1999 book by author John Durham Peters.

knows, are much harder things. Civility is too easy an answer, as if life with others were simply a matter of lubricating the interfaces better. *Ceteris paribus*, it's nice to be civil, but it's no panacea. Our "asocial sociability," as Kant called it, goes much deeper than that (275).

Courting the Abyss has a high regard for art and nonverbal performance. Its concluding chapter is a sustained defense of bodily dramas, and one of *CA*'s points is that liberalism is both more politically viable and less ethically aggressive if it understands words, including its own, not just as truth claims but as speech acts. I see the book as a defense of moral artistry and stunt-piloting, of the neglected carnivalesque element in liberal thought (164), and a critique of the bias toward rational content over performative force. *CA* praises such moral artists as Ezekiel, Jesus, St. Francis, Thoreau, Martin Luther King, Jr. and Vaclav Havel. No doubt this list is too high-brow and a whole host of other people – "folks," as Marvin would call them – deserves inclusion. *CA* certainly never treats such expensive and dangerous work – or dismisses art – as "frivolous or flighty." It says that civil disobedience can sometimes cost nothing less than everything (278).

The defense of free speech has a problem. It is a theory restricted to a small, though rich and influential, part of the planet, and is contested even there. It's not a bad thing that the well-to-do and the well educated are the chief supporters of liberal policies; it's a sign of the work it has to do. In saying this, I don't want to trigger the thought that here goes another deployment of the tired trope of "elitism." Rather, it is a real question: how universal can liberalism be? Can it withstand a Kantian test of being valid for all humanity? It is true that I didn't discuss Andres Serrano. God made urine; indeed, and God made feces too, as I explore in an essay on the theology of the bowels.³ But it's disingenuous to exhibit a work such as "Piss Christ" and feign surprise that some people took offense. Advocates of free speech sometimes act shocked that religion and sex are volatile topics that outrage people, as if we could all live in an offense-free world. "Why should it offend?" Marvin's Serrano innocently asks, in a rather stunning lack of knowledge of history, culture, or the human heart. It would be more honest, *CA* argues, to be self-consciously performative. I doubt the notion that we humans can ever transcend the border between purity and danger. Taking offense is an essential human faculty that is closely tied, as Martha Nussbaum argues, to our sense of justice. We are outraged by things that strike us as wrong.⁴ Only angels (or the dead) would never be offended. A too simple view of human nature invites liberals to regard the offended as if they were actively choosing not to be enlightened. Rationalism is, ironically enough, in league here with social divisiveness. A more knowing (cynical) view of human emotions is actually more merciful.

"Piss Christ" was abused by people with an axe to grind but it is a genuine work of art. That said, being art does not release it from responsibility for its communicative footprint. (The proclamation of free speech is itself often a provocative act, of course.) Flemming Rose, the editor who commissioned the Mohammad cartoons as a "response" to Islam's chilling effect on speech in Denmark, disclaimed responsibility (at first) for the perlocutionary force of his act; he was just exercising his rights. "Why should it offend?" he asked. Free speech became a club to beat Islam with. The cartoon affair shows that

³ "Bowels of Mercy," *BYU Studies*, 38.4 (1999): 27-41.

⁴ *Hiding from Humanity: Disgust, Shame, and the Law*, Princeton: Princeton University Press, 2004.

the love of free speech is not culturally neutral, but can be a weapon in geopolitical and ideological battle. I fervently hope that we English-speaking friends of liberty can find ways to keep the 21st century from being one long fight along these lines. All the great religions have vital traditions of critical inquiry, just as western free speech has theological roots. If free speech finds religion perhaps religion can find free speech. The task for our age, says *CA*, is to figure out how to mediate sacredness and openness (292). Our task is to liberalize liberalism by discovering the liberalism of the other. I can imagine no task more urgent or difficult.

As to Dewey and democracy, I think it's relatively uninteresting to debate the competence of citizens, *per se*. All humans have varying gifts, know a lot about some things and are frail and ignorant about most others. The Deweyan point would be that public space should provide everyone with the chance to learn competence through participation. Competence is dynamic. I would agree with Dewey and Marvin that offense is not a permanent condition but an occasion for education. But self-critical exercises must come from the inside out. Liberal education, in Gayatri Spivak's marvelous phrase, is the "uncoercive rearrangement of desire."⁵ I find in the liberal free speech story cultural codings that are inequitably hospitable to all people and views, and ethical effects that can be too pushy. As the book's introduction suggests (25), perhaps in a world of violence, poverty, and inequity it is too precious to focus on subtle ethical questions about free speech. But *CA* argues that the ethics of speech is a question of global justice. Scapegoating the offended is not a productive way to build a public sphere, in part because it denies everyone equal access to the means of self-reflection. And all of us, rich and poor, learned and ignorant, can be offended. To be clear, I completely support the shaming of thugs – and who wouldn't wish that Suu Kyi's moral spectacle wasn't pitted against tanks and guns (248)! But people who take offense at what they think is wrong do not deserve shaming. It is not that some of us are dumb, but that all of us are weak. This makes us, unfortunately, susceptible to scandal-mongering. Strategic offensiveness divides bystanders into communication classes – those who get it and those who don't. Free speech deserves a sounder ethical basis than profiting from the other's outrage. Irony is a symptom of a failed public sphere – one that cannot encompass all its potential participants. Education without coercion is the great problem of the liberal public, and cosmopolitan participation of all is the great test of its ethics. A liberal public sphere that places asymmetric burdens on its participants is not really very liberal.

I read *Courting the Abyss* as a continuation of, not a deviation from, *Speaking into the Air* in its exploration of the ethics of communication. *CA* invites us to take responsibility for the effects of our words and deeds even while recognizing that they can never be anything more than dissemination. It calls for a more rigorous, robust, and honest liberalism that could flourish in a 21st century world of radically pluralistic ideological conflict by embracing its theological roots and by confronting its romance with pain, transgression, and death more openly. By reclaiming its roots, liberalism has a chance to compete with its rivals for the prime real estate of the sacred. By starting with Paul and ending with Martin Luther King, Jr., *CA* does not offer an anti-liberal genealogy but offers a deeper one that acknowledges the relevance of faith for theorizing freedom. Instead of being inadvertent agents of class warfare, liberal friends of free speech have a tenuous opportunity to radicalize the love of pluralism by

⁵ "Righting Wrongs," *South Atlantic Quarterly*, 103 (2004): 526. Original emphasis.

pluralizing liberalism itself. How to do this is excruciatingly difficult and *CA* offers an invitation to a project rather than a finished solution. We might learn not to censor those we might think to be censorious. As Marvin beautifully explains the procedure of abyss redemption, "hearing views radically unlike our own makes it possible to transform ourselves. The thought we hate may not be evil; it may even be right. And even if we finally decide it is evil, it may still teach us something unexpected we need to know." This attitude should count even for critics of liberalism itself.

Whatever the deficits of the book – and that there are several I am quite ready to admit – *Courting the Abyss* quite precisely contextualizes the problem of free speech theory in the early 21st century. Liberalism can no longer claim an undisputed monopoly on the management of public life. It faces numerous challenges – legal, corporate, moral, technological, and cultural. It has arguably become a "boutique faith," as the distinguished liberal political philosopher Jeremy Waldron suggests in his review of *CA* – a review that largely accepts the book's diagnosis while criticizing its lack of analysis.⁶ I would place *CA* in a post 9/11 global context rather than in that of the 1990s U.S. culture wars. *CA*'s question is the global fate of the liberal philosophy of free speech in the 21st century. How should we counter the corporate and right-wing capture of liberalism's promise of "pain today, gain tomorrow"? How far does its willingness to learn from alien opinions extend? Can liberalism forge a compelling global "brand" today, if I may use this ugly term? Can liberalism recognize the liberalism of the other? Marvin's review thinks liberalism is pretty good as it stands; *Courting the Abyss* thinks it is in urgent need of reconstruction. She reminds us of its distinguished political and legal accomplishments; I point to its cultural and ethical shortcomings in hopes that it can do better. I think, I hope, that Carolyn Marvin and I are on the same team.

Carolyn Marvin's book review of *Courting the Abyss* is located at:
<http://ijoc.org/ojs/index.php/ijoc/article/view/304/137>

Read on: The following is Carolyn Marvin's rebuttal to John Durham Peters's reply . . .

⁶ Jeremy Waldron, "Boutique Faith," *London Review of Books*, July 20, 2006,
http://www.lrb.co.uk/v28/n14/wald01_.html

Taking Responsibility

CAROLYN MARVIN

University of Pennsylvania

I thank John Peters for his gracious response to my assessment of *Courting the Abyss*, especially since he correctly notes that "abyss walkers" was my locution, conflating abyss artists (an ironic putdown) and abyss redeemers (their "enablers"). I do think the image nicely covers them both, but I regret the misattribution.

Peters says I misread a critique that is meant to be narrowly directed to the ethics of a tradition whose ideals he admires. He adds that ethics and politics are not the same thing. Maybe so, but ethics are unrealizable unless they are translated into practical structures of action, in this case, the law. To "urgently" reconstruct liberal ethics is to undertake a far-reaching transformation needing a good deal more explication than Peters offers about how limits on expression would look different in his re-jiggered ethical regime. In practical terms, he never really tells us what he has in mind.

He also believes I fault him for not writing a history of civil liberties, which he wasn't trying to do. My concern was less specific than that but it is historical. To argue theoretically about liberalism is often illuminating, but it's largely a fight to the draw. Liberalism is *both* harsh and compassionate; with its ethic of self-correction it leaves space for human weakness and fallibility, *and* it acts as its own referee.

To break out of that stalemate, a valid assessment of liberalism must consider the extent to which it has advanced democratic equality. Peters put this historical question aside. It's no real trick then to frame examples that make liberalism look mostly mean and 'outrage' mostly irresponsible. But this is polemic, not analysis. Peters' self-imposed historical moratorium is selective as well. He puts an impressive collection of historical thinkers on display (scrutinizing the rhetoric of Supreme Court justices more than the consequences of their opinions, for example) but the folks in the streets are not on his radar. The point isn't to slight philosophers or romanticize protesters but to grasp how both have shaped modern liberalism. Ground level outrageous expression (so called) by dissenters helped further the dignity and equality of citizens' lives profoundly in the 20th century. One would not know this from *Courting the Abyss*, and knowing it challenges the tilted picture Peters draws of reckless and insensitive elites trampling the wounded sensibilities of ordinary, decent people.

Peters professes no desire to roll back civil liberties and firmly takes censorship off the table. He also wants liberalism not to "discriminate against the tender minded or against those who have genuine problems with modernity" and build a world where "secular reason is not the exclusive common language." I'm not sure what it means to discriminate against the tender-minded; we're all tender-minded about something. The struggle for a right not to be offended is an old fight. It may yet win the day. But specifics have to propel an argument forward that strives to be more than a heartfelt plea for us to be as considerate with each other as possible. We suffer bigots and others who offend because, among other

things, the adoption of laws that protect minorities are legitimized in democratic societies by hearing all that can be said on the other side across the broad spectrum of public talk. This includes the proposition, however misguided it may seem, that Islam sponsors terrorism, to reference the Danish cartoons.

Then there's Andres Serrano, whom Peters accuses of bad faith for asking why urine should offend. It's a good question. I wish he had entertained it instead of impugning Serrano's motives. The image of a divine savior soaked in urine occasions some reflection on the original outrage of Christianity. When Rome rendered Jesus spectacularly and shamefully abject, his followers promptly deified him. Here is abyss artistry in high heroic mode. It suggests the radical instability of outrage and its power to expand dignity and equality (and yes, the stuff that's not as nice), lessons I believe *Courting the Abyss*, for all its fine and worthwhile commentary, does not fully engage. Are John Peters and I are on the same team? We might have different interpretations of the rules, but I think we both love the game. That's certainly enough for me.