

In Defense of Prejudice: Why Incendiary Speech Must Be Protected

by Jonathan Rauch

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, "**Quote censored.**" 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 "name-calling, 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. 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 this 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 statement of bias, not of fact, to those who disbelieve it.

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 of 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 early 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 wrong-headed that no person of right mind or goodwill could support them. Like the 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 the 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 anti-pluralism "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.

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. 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.

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The fear engendered by these words is real. The remedy is as clear and as imperfect as ever to 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.