

Radical Evil in the Lockean State: The Neglect of the Political Emotions

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I. The Fragility of Toleration

Toleration is an urgent preoccupation in all modern liberal democracies. All such democracies are based on an idea of equal respect for citizens. But all contain a plurality of religious and secular "comprehensive doctrines" (to use John Rawls's phrase²), doctrines in terms of which people make sense of life to themselves and search for its moral basis and its ultimate meaning. It would seem that equal respect for citizens, in such circumstances, requires respect for their freedom and equality, as they pursue matters of such fundamental importance. All such democracies therefore have strong reasons to support an idea of toleration, understood as involving respect, not only grudging acceptance, and to extend toleration to all religious and secular doctrines, limiting only conduct that violates the rights of other citizens. This norm is widely shared.

There is no modern democracy, however, in which toleration of this sort is a stable achievement. Toleration is always under siege from the forces of intolerance, and constant vigilance is required lest a powerful group impose its ways on an unwilling and relatively powerless minority. In the United States, Christian language and sentiments are often casually introduced in public policy statements, in ways that suggest the unequal dignity of non-Christians. In France, intolerance has become official state policy in the ban on conspicuous religious articles of dress in public schools. Although this law purports to be even-handed, it in fact discriminates against Muslims and Jews, since Christians do not regard the wearing of large crosses as a

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² John Rawls, Political Liberalism (hereafter PL) (expanded paper edition New York: Columbia University Press, 1996), passim.

religious obligation, whereas the Muslim headscarf and (for some Jews) the yarmulke are regarded as obligatory. In India, the particular subject of much of my current writing, a democracy that once prided itself on respect for pluralism and indeed on a real love of religious and ethnic diversity has now increasingly become a Hindu state. Textbooks used by young children express a Hindu-fundamentalist conception of the nation and its history, although some of the worst excesses of this regime (e.g. readers saying things like “Kabir is a nice boy even though he is a Muslim”) may soon be undone by the new government. The Muslim minority's right to the equal protection of the laws is no longer secure; the highest levels of state and even national government support gross violations of the rights of this minority.³ And although the election of May 2004 has brought many good changes and a ringing affirmation of the ideas of toleration and equal respect, the future is by no means assured.⁴

Why is toleration, attractive in principle, so difficult to achieve? The normative case for toleration was well articulated by John Locke in his influential A Letter Concerning Toleration, a work that has profoundly influenced all subsequent proposals in the Western tradition. But Locke made no attempt to diagnose the forces in human beings that militate against toleration, despite the fact that he acknowledged that his own ban on force and fraud was insufficient to solve the problem; his attractive proposal thus rests on a fragile foundation. Kant, I shall argue, did much more, combining a Lockean account of the state with a profound diagnosis of “radical evil”, the tendencies in all human beings that militate against stable toleration and respect. But Kant did little to connect these two parts of his thought about religion. Nor did he propose any mechanism through which the state might mitigate the harmful influence of radical evil, thus rendering toleration stable. As he was well aware, this left the tolerant state, in a precarious situation.

One solution to the problem of radical evil was proposed by Rousseau, Kant's source for most aspects of his doctrine of radical evil. Rousseau famously argued that the tolerant state, in order to be stable, needs to inculcate sentiments that support toleration, in the form of a “civil

³ See my “Genocide in Gujarat,” Dissent summer 2003, 61-29, and “Body of the Nation: Why Women Were Mutilated in Gujarat,” The Boston Review 29:3-4 (2004), 33-38.

⁴ In his first speech as Prime Minister, Manmohun Singh, the first minority member ever to serve as India's Prime Minister, said this: “[D]ivisive forces were allowed a free play, which I believe is extremely injurious to orderly development...We as a nation must have a firm determination that these things should never happen.”

religion." His proposal shows profound human insight. But its coercive features would surely be unacceptable to Locke and Kant, and they should be unacceptable to us.

How, then, should modern pluralistic societies solve the problem of radical evil? How can a respectful pluralistic society shore up the fragile human basis of toleration, especially in a world in which we need to cultivate toleration not only within each state, but also among peoples and states, in this interlocking world? I shall argue that part of the solution is indeed Kant's: the protection of a vigorous critical culture together with the freedoms of speech, press, and assembly that such a culture requires. More, however, is required: the problem cannot be resolved without careful thought about how a liberal state, without becoming an illiberal Rousseauian state, can nonetheless cultivate emotions that support equal respect and a toleration that is more than grudging obedience to law.

II. Toleration and Equal Respect: the Lockean State

John Locke's thought about toleration is complex, and it is impossible to understand the argument of his Letter fully without connecting it to the rest of his political thought. Let me attempt, however, a summary. Locke insists that in matters of religious belief and religious conduct (so long as it does not violate the rights of others) the state must strive to protect "[a]bsolute liberty, just and true liberty, equal and impartial liberty." Not only must the state refuse the use of coercion to compel religious homogeneity, it must strenuously protect all its citizens from coercion on the part of others. Moreover, no person is to be "prejudiced in his civil enjoyments" because of religion. Magistrates must go beyond non-persecution to zealous protection of all citizens in their rights, so that "the goods and health of subjects be no injured by the fraud or violence of others" (35).⁵ The state must leave religion strictly alone, except insofar as it ventures into areas that the state rightly regulates, such as property.

For both citizens and state actors, the norm of toleration requires not only the grudging preservation of rights, but a spirit of "charity, bounty, and liberality" (27). Church officials ought to advise their members of "the duties of peace and good-will towards all men; as well towards the

⁵ Page references are to the edition by Prometheus Books, 1990.

erroneous as the orthodox" (32). They should "industriously exhort" their members and especially civic magistrates to "charity, meekness, and toleration" (32).

Locke advances several different arguments for this norm. Some of these arguments rely on Christian texts and doctrines. Some rely on a skeptical attitude toward religious beliefs. One influential strand of argument relies on the Protestant idea of "free faith": genuine religious belief cannot be coerced. What concerns me here, however, is a line of argument that I take to be both central to the work and more pertinent to modern debates than any other. Modern readers of Locke may justly feel that some of his arguments are too "internal", requiring a framework of Protestant ideas for their success. But this criticism cannot be made against the line of argument that concerns me. This is, that all citizens have rights, that is, rightful claims over liberty, property, and other prerequisites of well-being. Moreover, these rights are equal. It is simply wrong for these equal rights to be undermined on grounds of religious difference. Summarizing his argument, Locke emphasizes the centrality of this strand in his argument, stating, "The sum of all we drive at is, that every man enjoy the same rights that are granted to others" (69).

This argument is based on Locke's general political theory, and, in particular, on his idea of the social contract and its relation to rights. I shall not pursue those connections further here. However we understand the origin of Locke's doctrine of rights, it is a powerful idea for modern pluralistic democracies, one that most of them already accept, however much they differ concerning the metaphysical grounding of rights-claims and the precise nature of the rights in question. I take the key idea in this Lockean argument to be an idea of respect for persons. To say that persons have rights and should not be interfered with is a way of saying that persons deserve respect from one another. With regard to the fundamentals of well-being they are all equally placed, equally entitled, and their equal entitlements must not be interfered with, either by the state or, through the inaction of the state, by one another.

Locke recognizes that people are not always generous and peaceable. Indeed, his insistence on the duty of churches to exhort their members to toleration, generosity, and peace acknowledges the presence of a problem: people are inclined to go against the Lockean ideal. Locke's political surroundings did much to illustrate such violations. But nothing is said about

how a Lockean state can grapple with this problem, beyond asking people to be nice to one another. Perhaps Locke believes that the problem is only temporary, the artifact of recent religious strife and bad clerical behavior. Perhaps he believes that once the state takes the line he recommends, all will be well. Moral psychology cannot be said to be Locke's strongest point as a philosopher. He simply lacks interest in the psychological underpinnings of intolerance, tending to blame it, instead, on bad individuals who can be replaced by good individuals.

Locke thus leaves his own project in a position that is at best uncertain, at worst highly unstable. Without trying to figure out why intolerance is so ubiquitous, however speculative all such accounts are bound to be, it is difficult to justify a conception of the state. For surely part of justifying a political conception is showing that over time it can be stable, and stable, as Rawls puts it, "for the right reasons," that is, stable not just as a grudging modus vivendi, but as something people can really endorse as good for their lives. Locke leaves us uncertain whether this condition has been fulfilled.

III. Radical Evil

Kant is deeply influenced by the social contract doctrines of both Locke and Rousseau. His state is basically Lockean in structure, uses a roughly Lockean understanding of rights, and understands the limits of state action in roughly Locke's way. Kant does, however, feel the need to fill the gap in Locke's account, by supplying a moral psychology of evil and intolerance that explain why intolerance and other forms of evil are likely to remain a permanent problem in human societies. In Religion Within the Boundaries of Mere Reason,⁶ Kant articulates his famous doctrine of "radical evil," a doctrine that is closely related to Rousseau's moral psychology, but one that Kant develops in a powerful and original way.

Evil is radical, according to Kant, that is to say it goes to the root of our humanity, because human beings, prior to any experience, have a propensity to both good and evil, in the form of tendencies that are deeply rooted in our natures. We are such that we can follow the moral law,

⁶ All quotations are from the version translated and edited by Allen Wood and George Di Giovanni in the Cambridge Texts in the History of Philosophy Series (New York and Cambridge: Cambridge University Press, 1998). Page numbers are those of the Akademie edition, which are given in the margins of the translation.

but there is also something about us that makes it virtually inevitable that under certain circumstances we will disregard it and behave badly.

What are those conditions? Animality itself is not the problem; animality is basically neutral (6.32, 6.57-8). Here is where Kant locates the error in Stoicism, which he portrays (wrongly⁷) as involving the doctrine that our moral struggle is against animal inclination alone (57-8). The tempter, the invisible enemy inside, is something peculiarly human, a propensity to competitive self-love, which manifests itself whenever human beings are in a group. The appetites all by themselves are easily satisfied, and animal need is limited (6.93). The human being considers himself poor only "to the extent that he is anxious that other human beings will consider him poor and will despise him for it." But a sufficient condition of such anxiety is the mere presence of others:

Envy, addiction to power, avarice, and the malignant inclinations associated with these, assail his nature, which on its own is undemanding, as soon as he is among human beings. Nor is it necessary to assume that these are sunk into evil and are examples that lead him astray; it suffices that they are there, that they surround him, and that they are human beings, and they will mutually corrupt each other's moral disposition and make one another evil. (6.94)

Kant's account is powerful. Although he surely is too sanguine about the opportunity of many of the world's people to satisfy bodily need,⁸ he is also surely right in holding that mere satisfaction is not the biggest cause of bad behavior. Even when people are well fed and housed, and even when they are reasonably secure with respect to other prerequisites of well-being, they still behave badly to one another and violate one another's rights. And even though an innate propensity is a difficult thing to demonstrate, Kant is surely right when he suggests that people require no special social teaching in order to behave badly, and indeed regularly do so despite the best social teaching.

Kant is offering a general explanation for the origins of bad behavior, not a particular explanation of intolerance. But it has an obvious relevance to Locke's problem. Wherever people are together, they form themselves into religious (and ethnic) groups and vie for

⁷ See my "Equity and Mercy," in *Sex and Social Justice* (Oxford: Oxford University Press, 1999); and also *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton: Princeton University Press, 1994), ch. 11. I suggest that Seneca locates the origins of evil in the "circumstances of life," that is the competitive striving for good that human life as it is brings forth. His account is not exactly Kant's, because he does not hold that bodily appetite is easily satisfied; nor does he posit an innate tendency to competition. But the similarity of the two accounts is considerable.

⁸ Thus Seneca's account is in some ways stronger than Kant's.

superiority among themselves. This process, difficult to explain with reference to the internal ideologies of the religions, which may be strongly in favor of peace and compassion – as Locke pointed out for the case of Christianity—is well explained by Kant's positing of a propensity to competition that is activated by the mere presence of a plurality.

Kant's account of radical evil, while attractive in many respects, seems incomplete. It is all very well to say that there are tendencies in human beings such that the presence of others will elicit competition and aggressive behavior; but Kant says little about the nature of those tendencies. Perhaps he thinks that there is nothing more to be said: radical evil is just the disposition to manifest competitive and morality-defying behavior in the presence of others. It seems to me that we can say more. In two books on the emotions⁹ I argue that understanding the roots of bad behavior requires thinking about human beings' problematic relationship to their own mortality and finitude, their desire to transcend conditions that are painful for any intelligent being to accept. The earliest experiences of a human infant contain a jolting alternation between blissful completeness, in which the whole world seems to revolve around its needs, an agonizing awareness of helplessness, when good things do not arrive at the desired moment and the infant can do nothing to ensure their arrival. The expectation of being attended to constantly – the "infantile omnipotence" so well captured in Freud's phrase "His Majesty the baby" is joined to the anxiety, and the shame, of knowing that one is not in fact omnipotent, but utterly powerless. Out of this anxiety and shame emerges an urgent desire for completeness and fullness that never completely departs, however much the child learns that it is but one part of a world of finite needy beings. And this desire to transcend the shame of incompleteness leads to much instability and moral danger. In writing about the role of shame and disgust in the process of group-formation and social intolerance, I have argued that the type of social bad behavior with which I am most concerned in this paper can be traced to child's early pain at the fact that it is imperfect, unable to achieve the blissful completeness that in certain moments it is encouraged to expect. This pain leads to shame and revulsion at the signs of one's own imperfection. And then, what most concerns me here, shame and revulsion, in turn, are all too often projected outwards onto

⁹ Upheavals of Thought: The Intelligence of Emotions (Cambridge: Cambridge University Press, 2001), and Hiding From Humanity: Disgust, Shame, and the Law (Princeton: Princeton University Press, 2004).

subordinate groups who can conveniently symbolize the problematic aspects of bodily humanity, those from which people would like to distance themselves.

Thus my account of prejudice and hatred, whether religious or ethnic or sex-based, is more complicated than Kant's, invoking not only mere plurality but also the hatred of weakness, helplessness, and (ultimately) death that is omnipresent in our relationship to our humanity.¹⁰ And I argue that a primary reason why people form groups of the sort that engage in bad behavior toward others is a (futile) attempt to recover completeness and safety. By defining their own group as the good "normal" one, lacking in nothing, and by surrounding themselves on all sides with such people, people gain the illusion of safety and control, projecting onto subordinate others the weaknesses that they wish not to accept in themselves. By stigmatizing and persecuting others, they conceal from themselves their own weakness and vulnerability.

Thus, unlike Kant, I think that radical evil is not a bare disposition to behave badly in certain circumstances. It has an underlying content and a narrative history. Radical evil concerns the pursuit of transcendence and the hatred of finitude: about narcissism, we might say, and the fear of death that is such a powerful prop to human narcissism. Thus the remedy for radical evil will have to address the problem of narcissism – not curing it, for life is too painful for human beings ever to accept it as it is, but mitigating its role in human life.

To say this is not to say that all desires for transcendence are politically problematic. First of all, without casting aspersion on human weakness one may certainly strive to make human life as good as it can possibly be, fighting to overcome disease, injustice, and sloth: what I have elsewhere called "internal transcendence."¹¹ Many philosophers who do not connect morality to any otherworldly source, and many who do, recommend that sort of transcendence. But there are also specifically religious types of transcendence that seem to have no conceptual link to narcissism. The longing for a life after death, in which one will be reunited with one's loved ones,

¹⁰ See [Hiding From Humanity](#).

¹¹ See "Transcending Humanity," in my [Love's Knowledge](#) (New York: Oxford University Press, 1990); here I am responding to a challenge by Charles Taylor. Later Robert Adams replied to my reply to Taylor in his excellent book [Finite and Infinite Goods](#) (New York and Oxford: Oxford University Press, 1999), and he and I then have an exchange on the topic in the book symposium on his book in [Philosophy and Phenomenological Research](#) 64: March 2002; my article is entitled "Transcendence and Human Values" (pp. 445-52).

is certainly a longing for transcendence of the painful conditions of human life, but it is perfectly compatible with, and even entails, a recognition that human beings are, as Rousseau puts it, “naked and poor,” insufficient to control the most important goods in life. It thus has no tendency on its own to lead to the denigration of the disabilities of the body, or of birth and death. So my analysis in no way suggests that it would be better for religious believers to give up belief in transcendent sources of value; indeed the narcissism I repudiate, which denies human weakness and vulnerability, is usually repudiated by the major religions, much though people may often hijack religion in the service of narcissistic projects.

The narrative history of radical evil that I have sketched here has implications for the social treatment of evil that Kant's far more abstract account does not. For now, however, let me return to Kant's generic account, which is compatible with mine, although it does not entail it. I shall return to my own account in my concluding section.

Whenever human beings are together, then, according to Kant, bad behavior is a likely outcome, and intolerance is one prominent form that such bad behavior typically takes, as one very prominent form of competitive self-love. Intolerance, then, is not an easily eradicated social condition. People will in general seek to violate the rights of others, and in particular will seek to establish the superiority of their own religious doctrines. Although Kant himself does not make directly this connection between his doctrine of evil and the specific problem of intolerance, it is strongly suggested by his argument.

To individual human beings, Kant gives extensive advice. In particular, to counteract the bad tendencies in their nature they have the duty to surround themselves with a group of people who are all working for the victory of the good tendencies over the bad. People are unlikely to achieve such a victory stably on their own, but in a group of like-minded strivers they have a better chance, forming a counter-society that will strengthen the moral disposition and protect it from the temptations that worldly society offers. That is the role Kant sees for religion: it is a social force that supplies a support structure for morality. Given that we are all morally weak and liable to error, we have an ethical duty to join such a society, leaving our ethical state of nature to

join an ethical community. Kant then argues that not just any ethical community will do: it has to be a religious community, meaning one that is united by the idea of a higher moral being.

Much of the text is then devoted to distinguishing good religious communities from bad, asking what sort of religious community could actually do the job Kant has laid out. Most existing churches, Kant argues, are actually a bad moral influence, since they teach people to placate God in extraneous ways, and in other ways undermine the purity of the moral incentive. But more or less any of the major faiths can become an acceptable church, if reconstructed in the right (moral, rational) way.

What, however, of the Lockean state? Given the ubiquity of the propensity to evil, what can such a state do to protect itself against the forces of bad behavior generally, and intolerance in particular? Well, it can certainly use coercion to protect people's property rights and other rights that they have under the social contract. Here Locke and Kant are in agreement. But I have suggested that this leaves equal respect in a fragile position. So it would be nice to think that the state could find some further ways of supporting good behavior in general, toleration in particular.

For Kant, the choice to enter a church must always remain a choice. He is just as averse as Locke is to the Hobbesian idea of state-based religious coercion. He argues against it on both moral and prudential grounds. "[W]oe to the legislator who would want to bring about through coercion a polity directed to ethical ends," he writes. "for he would thereby not only achieve the very opposite of ethical ends, but also undermine his political ends and render them insecure" (6:96). Moreover, even when people make a bad choice and join a bad church, or even declare themselves atheists, Kant is convinced that respect for autonomy requires respecting their liberty. Like Locke, he insists that no person's civil liberties may be infringed on grounds of religious membership or practice; but he goes even further than Locke, protecting atheists as well as believers. The most the state can demand is that churches include nothing in their constitution that contradicts the duties of members as citizens of the state. (Here Kant remains close to Locke.)

So there is a problem: respect for autonomy requires us to tolerate bad churches, which is what Kant thinks most actual churches are. Such churches actually strengthen evil and thus undermine toleration. What, then, can the Lockean state do to protect itself?

Kant's answer, and the only answer he believes he can give, consistently with his defense of autonomy, is that the state can and should foster a vigorous critical culture, including strong protections for the freedom of speech and debate. This, of course, is a lifelong preoccupation of Kant's, and one that his political problems made a constant focus of his attention. Moreover, this state support should extend to generous funding for education and support for scholarship. Kant frequently emphasizes in the strongest possible terms that a focus on public education is a crucial linchpin of public enlightenment. In Idea for a Universal History he writes:

[A]s long as states apply all their resources to their vain and violent schemes of expansion, thus incessantly obstructing the slow and laborious efforts of their citizens to cultivate their minds, and even deprive them of all support in these efforts, no progress in this direction can be expected. For a long internal process of careful work on the part of each commonwealth is necessary for the education of its citizens. But all good enterprises which are not grafted on to a morally good attitude of mind are nothing but illusion and outwardly glittering misery.¹²

In "The Contest of Faculties" he emphasizes, again, that reliance on private educational efforts is likely to prove insufficient:

To expect that the education of young people in intellectual and moral culture, reinforced by the doctrines of religion, firstly through domestic instruction and then through a series of schools from the lowest to the highest grade, will eventually not only make them good citizens, but will also bring them up to practise a kind of goodness which can continually progress and maintain itself, is a plan which is scarcely likely to achieve the desired success.¹³

The argument is apparently that private efforts will be sporadic and uncoordinated. The educational system should not be permitted to develop in a haphazard way, while the state spends all its money on war. Education will produce an enlightened public culture, thus mitigating violence, only if "it is designed on the considered plan and intention of the highest authority in the state, then set in motion and constantly maintained in uniform operation thereafter."¹⁴ Kant clearly thinks that maintaining an enlightened public culture has multiple aspects: support for schools and universities; strong protection for civil liberties; and, especially important, a strong

¹² Reiss p. 49.

¹³ Reiss pp. 188-9.,

¹⁴ P. 189.

emphasis on publicity in all political matters, and on institutions that facilitate and protect public debate.¹⁵

In the Religion, Kant focuses particularly on the role that critical religious scholarship plays in bringing good churches into existence and publicizing the possibilities of rational and moral religion. He gives numerous examples of the ways in which Biblical scholarship can bring a recalcitrant text into line with the moral law. It is to be hoped that such scholarship will gradually lead to greater public support for rational religion and to diminished support for bad churches. Critical Biblical scholars must have good political conditions for their work to be effective. "It is self-evident that they must not on any account be hindered by the secular arm in the public use of their insights and discoveries in this field, or be bound to certain dogmas" (6:113, cf. 6:133). In addition to maintaining academic freedom and freedom to speak and publish, the state apparently has the affirmative task of underwriting the employment of such scholars (6:113).

All this is fine, as far as it goes. But the same principle that protects the scholarship Kant likes also protects the scholarship that he detests. And the same public openness that creates the conditions for rational religion to come into existence also gives wide scope for the mobilization of prejudice and intolerance. This being the case, the state that Kant envisages remains in a fragile condition. He has to rely on the sophistication and rationality of a general public who are, as he himself knows, very much inclined to the emotional and rhetorical appeals of the bad churches. In his suspiciousness about the passions and sentiments, he seems unwilling to propose any emotional dimension to the public rhetoric in favor of rational religion and the good churches. To the extent that they do prevail, it must be because of good scholarship and enlightened argument

Kant advances beyond Locke in his profound understanding of human psychology, and thus of the threats to a liberal society of the type he defends. But his liberalism, combined with his mistrust of the passions, prevents him from doing much about those threats.

The dilemma with which Kant's thought leaves us becomes more acute still when we consider the global society to which Kant's thought so powerfully pointed the way. As Kant knew

¹⁵ See "Perpetual Peace" pp. 126-7.

and stressed, one of the worst expressions of radical evil lies in the conduct of nations toward other nations. Wars of conquest, colonial domination, all these are outgrowths of the competitive tendencies that Kant so well identified, and it is not surprising that intolerance of the different beliefs and ways of life of others is so often a part of these projects. But if the state seems to be impotent to stop threats to the stability of its own tolerant policies internally, it has a harder time still once we articulate the human goal in world terms, as that of respecting humanity wherever it is, and protecting the religious freedom and in general the freedom to pursue one's own comprehensive doctrine, for of all world citizens. Many people who can be led to behave with toleration to their own fellow nationals forget about this principle completely when they are abroad. Thus a tolerant world order will be far harder to produce than a stably tolerant Lockean state.

IV. A Civil Religion?

Because Kant's moral psychology is not altogether new, the problem that it raises for the liberal society is also not new. Rousseau, whose psychology is in essence the source of Kant's, understood that the state that is going to protect toleration needs to think about the moral emotions and needs to adopt some program for their cultivation. In the important section of The Social Contract on the "civil religion," Rousseau argues that complete toleration in spiritual matters is of great importance, but that it needs to be undergirded by the promulgation of a "civil religion" consisting of "sentiments of sociability, without which it is impossible to be a good citizen or a faithful subject." This religion, a kind of moralized Deism fortified with patriotic beliefs and sentiments, will hold the state together and create moral unanimity among citizens. Its dogmas include the existence of a powerful beneficent deity and a life after death; the happiness of the just; the punishment of the wicked; the sanctity of the social contract and the laws; and the unacceptability of intolerance.

Around all of these dogmas the sovereign will create ceremonies and rituals, engendering strong bonds of sentiment connected to morality and patriotic duty. The civil religion functions as the common moral core of all the acceptable forms of religion: people may add to this core

various metaphysical and spiritual beliefs. "Each man can have in addition such opinions as he pleases, without it being any of the sovereign's business to know what they are." But all must adhere to the core, both with respect to conduct and with respect to belief.

Rousseau believes that this device will solve the problem of stability in the tolerant state, giving people sources of motivation to behave well to one another, much in the way that, for Kant, a church of the right kind will strengthen the good dispositions and undermine the bad. For Kant, however, respect for autonomy requires that the choice to enter a church be left entirely free. Rousseau, by contrast, permits the sovereign to enforce the civil religion by coercive means, including banishment and even capital punishment. State coercion applies not only to conduct harmful to others, but also to non-harmful conduct expressing lack of adherence to the civil religion; and it applies, as well, to nonconforming belief and speech. In particular, Rousseau insists on a belief not only in civil, but also in theological toleration. Thus state coercion extends to a great deal in the way of religious opinion, since Rousseau believes that "[i]t is impossible to live in peace with those one believes to be damned." If we think about the relationship of Rousseau's ideas to the actual doctrines of the major religions in his own time, we can see quickly that in Rousseau's state Roman Catholics will not be tolerated, and many if not most forms of Protestantism will not be either.

Rousseau has taken the problem of evil seriously and made a proposal that may be sufficient to cope with it. Obviously however, his solution would be unacceptable to Locke, Kant, and anyone who finds the idea of a Lockean state attractive. Such a state is built on the idea that respect for persons entails respect for their comprehensive doctrines. This starting point requires broad toleration of religious opinion, including theological opinions about the salvation of others, so long as these opinions do not issue in conduct that violates the civil rights of others. Rousseau has purchased stability at much too high a price. We may see Kant's emphatic insistence on freedom of speech, scholarship, and association as an implicit repudiation of Rousseau, as well as a comment upon his own situation under a series of different Prussian leaders.

Another grave problem with Rousseau's civil religion, as with all attempts at a civil religion based on patriotic sentiment and the idea of willingness to die for one's country, is that this religion provides a very bad basis for international relations. The very sentiments that cement the homogeneity of Rousseau's society make it suspicious and intolerant of foreigners, and conduce to warlike behavior against foreigners. Rousseau likes this consequence. Indeed, one reason why he feels the need for a civil religion to supplement Christianity is that he finds Christianity too passive, meek, and mild. But anyone who finds Kant's idea of a peaceful and tolerant world community attractive will find here yet further reasons to take exception to Rousseau.

Rousseau's psychological insight, however, does not disappear once one rejects his solution. He seems right to insist that the state needs to take the problem of evil seriously and to devise some sort of public psychology to address it, a "civil religion" if you will. And yet Kant seems right in his insistence that the problem of radical evil cannot be addressed by state coercion of free political and religious debate; this cure is worse than the disease. At the margins we may legitimately debate the legal regulation of some forms of hate speech, asking how immediate the threat to safety and stability must be in order for such speech to be legally regulable. But in general we should agree with Kant: the very value of respect for persons that leads us to want a Lockean state also prevents us from protecting it with a coercive civil religion of Rousseau's sort.

What is the solution to this dilemma? How can a respectful pluralistic society shore up the fragile bases of toleration, especially in a world in which we need to cultivate toleration not only within each state, but also between peoples in this interlocking world?

Kant was surely right in thinking that one very important part of the solution is the vigilant protection of freedoms of speech, press, and scholarship. Intolerance thrives in a situation in which opinion is curtailed, and we may observe that intolerant groups usually if not always seek the curtailment of these freedoms as a road to domination. Consider the situation of the Hindu right in India today. These groups want, in essence, to turn a pluralistic respectful Lockean state into a non-respectful Hindu-first society in which norms of ethnic purity are used to establish who is a first-class and who a second-class citizen. Central to their operations are attacks on

academic freedom, the freedom of scholars to publish dissident views (of history, of religion, of politics), and the freedom of opinion generally. It seems just right in this case for the proponents of pluralism and toleration to focus on shoring up the Kantian freedoms, as an essential bulwark of the other political liberties. But this case shows, as well, that a possibly fatal threat to the very existence of a Lockean democracy can arise and become strong even though the Kantian freedoms have been, until now anyway, pretty well protected. So what more might be done, along Rousseauian lines but without his illiberal strategies?

One thing that a society may certainly do, and that most societies do already, is to attach rituals and ceremonies to the basic freedoms protected by the society, inspiring citizens to love those values by linking the values to music, art, and ritual. This strategem is dangerous, given the propensity of all forms of patriotism to lead to demonization of foreigners and local "subversives." We see in the case of the Hindu right in India how such patriotic values can be hijacked and turned to the services of radical evil. Nonetheless, it seems to me that there are reasonable ways to institutionalize such ceremonies that do not buy into these dangers. Where toleration is concerned, a reasonable "civil religion" would include, for example, a celebration of the diversity of traditions and comprehensive doctrines that are contained within a nation, as a source of its strength and richness. In general, there is much that the tolerant state may do by way of persuasion and rhetorical undergirding, without infringing on the freedoms of speech, assembly, and publication of those who think differently.

An attractive further proposal was made by John Stuart Mill in his essay on "The Utility of Religion."¹⁶ Here Mill, recognizing the importance of religious sentiments in giving force to moral motivation, suggests what (following Auguste Comte and others) he calls a "The Religion of Humanity," a moral ideal that could be promulgated through public education.¹⁷ According to this moral ideal, a good person is one who cares deeply about humanity generally. Her thoughts and feelings learn the habit of being carried away from her own parochial concerns; they are habitually fixed on this "unselfish object, loved and pursued as an end for its own sake." She

¹⁶ "Utility of Religion," in Mill, *Three Essays on Religion* (New York: Prometheus Books, 1998), 70-122.

¹⁷ For a discussion of the essay, and the influence of Comtean ideas in nineteenth century English philosophy generally, I am indebted to a fine unpublished paper by Daniel Brudney.

learns to view helping others as a part of her own good: she identifies her good with that of humanity as a whole, and thinks of her afterlife as the life of those who follow her. She learns, in these ways and others, that helping others is not a sacrifice, but an intrinsic good. Thus she learns a “morality grounded on large and wise views of the good of the whole, neither sacrificing the individual to the aggregate nor the aggregate to the individual, but giving to duty on the one hand and to freedom and spontaneity on the other their proper province” (108).

To the imagined objection that human beings cannot really learn to be motivated by universal concerns, Mill responds with some very insightful remarks about patriotism and its force:

When we consider how ardent a sentiment in favourable circumstances of education, the love of country has become, we cannot judge it impossible that the love of that larger country, the world, may be nursed into similar strength, both as a source of elevated emotion and as a principle of duty.¹⁸

These ideas are closely linked to some that I have tried to develop, in Upheavals of Thought, concerning compassion as a moral sentiment that can be cultivated by public institutions and public education. I have argued that a liberal society, without offending against respect for pluralism, can still employ a moral ideal of this sort, and promote a moral education aimed at underwriting it. This ideal would serve as a basis for public political culture, in connection with public norms of equality and respect. In effect, such a moral education would be the psychological underpinning to public norms that can command a Rawlsian "overlapping consensus", and thus, as I argue, it need not be seen as divisive or illiberal, when made part of a public education.

How, more precisely, would this moral education be institutionalized? A good part of it, I argue, would in fact take the form of developing institutions that express the views of equal respect and due attention to the needs of all: a just tax system, a just health care system, a just welfare system. But institutions remain stable only when human beings have the will to sustain them, a fact that the collapse of social democracy in the United States, since the Reagan era, has

¹⁸ P. 107. Mill goes on to discuss Cicero's De Officiis, noting that the standard of conduct it proposes is not unduly high, and that most educated Romans at least tried to follow it. Cicero and many others did unhesitatingly sacrifice their lives to the common good, as they conceived it; we need only broaden this conception (Mill argues) to include not just one's own country, but humanity as a whole.

made an all too vivid reality. Therefore, I argue, public education at all levels (and private education too), should focus on putting forward something like Mill's religion of humanity, conveying the sense that all human lives are of equal worth, and all worthy of being lived with dignity and a decent minimum level of well-being.

More concretely, public education can cultivate awareness of the problems human beings face on the way to their well-being, in different parts of one's own nation and in different parts of the world, and can impart a sense of urgency concerning the importance of giving all world citizens decent life chances. Children can learn with increasing sophistication the economic and political obstacles human beings face on the way to their well-being, and can learn to see ways in which a just society might overcome these problems. At the same time, education can try to minimize the role of greed and competitive accumulation in society, by portraying greedy accumulation in a negative light and showing how it subverts the legitimate strivings of others -- a teaching to which the major religious and secular comprehensive doctrines certainly give lip service, even if they do not always insist on it in practice.

Where toleration is concerned, the "religion of humanity" takes, in the first instance, an institutional form, in the form of strong protections for religious liberty and a support for the idea of equal respect for comprehensive doctrines. (A doctrine of non-establishment is one very usual and valuable means of promoting equal respect.) Enhanced penalties for crimes involving ethnic, racial, and religious hatred would also be prominent parts of the institutional side of such a program, expressing society's very strong disapproval of intolerance and the actions to which it can give rise.¹⁹

Although my proposal is Kantian in the sense that no civil penalties attach to people who speak in favor of greed, inequality, and even intolerance, so long as they do no harm to others, it seems appropriate for public education and the media culture of a democratic society to focus on imparting norms that do support the values of a liberal society and a decent world culture. Thus, where toleration is concerned, I would support education at all levels aimed at conveying understanding of and respect for different religious and secular comprehensive doctrines and

¹⁹ For an argument that these penalties do not involve an illegitimate penalizing of political speech, see [Hiding](#), ch. 5.

different ethnic and national traditions. Although knowledge does not guarantee good behavior, ignorance is a virtual guarantee of bad behavior: stigmatization of the other is much easier when people know nothing, or nothing complicated, about a different religious or cultural tradition, whether local or foreign. But education can surely go further, fostering a sense of respect for persons and of their equal worth, their equal entitlement to lives with human dignity, of which religious freedom is one big part.

Because my own understanding of radical evil is more complex than Kant's, I also argue, in my recent book on shame and disgust, that public culture needs to devote special emphasis to minimizing the negative effects of narcissism, and of the aggression that is so closely connected with people's unwillingness to tolerate their own neediness, finitude, and embodiment. Many aspects of the inhibition of narcissism will, once again, be institutional: I insist, for example, that disgust is never a sufficient reason to render a practice illegal, when it causes no harm to others with respect to their established rights; that shame is never a good device to use in criminal punishment. And I consider many ways in which the law can protect citizens from shaming and minimize the harmful effects of stigma. But much of the program must be, once again, informal and educational, devising ways to bring children up in a climate that fosters equal respect and minimizes the baneful social influences of disgust and stigmatization, and a positive attitude toward aspects of our embodied life, such as sexuality, aging, and disability, that are usually difficult to confront.

Here we see the limitations in Mill's proposal: for, Victorian that he is, he thinks of compassion as something that can be fostered directly, without attending to the body or sexuality, or the ways in which other people's bodily disabilities remind us unpleasantly of our own frailty - - and the ways in which anxieties in these areas become sources of trouble.

There is no reason why a more psychologically complex version of Mill's "religion of humanity" cannot be widely taught and promulgated by liberal democratic societies – in public (and private) education at all levels, in the rhetoric of leaders and other political actors, in the normative thinking of the judiciary. I believe (and have argued more fully in Hiding From

Humanity²⁰) that such norms can become the object of an “overlapping consensus” of the type that John Rawls envisages in Political Liberalism.²¹ That is to say, people who have different religious and secular comprehensive doctrines can agree that for political purposes it is important to inhibit narcissism and to foster equal respect. People will of course differ about the deeper underlying rationale for supporting these goals. Some, for example, will have a religious rationale. In Hiding from Humanity I combined an analysis of emotions based on cognitive psychology and psychoanalysis with ethical arguments; this psychological material is part of my own “comprehensive doctrine” and is not a necessary underpinning for the ethical norms, which may be defended in various ways, religious, ethical, and economic. In other words, my project is isomorphic to Rawls’s idea of political principles that can be supported from a number of different epistemological, metaphysical, and ethical vantage points.

Religious and other views of the good that do not support toleration and equal respect will not be suppressed or denied the right to speak and argue, as Rawls again emphasizes.²² But insofar as the people who hold them also hold, with more than grudging lip service, the political principles of a tolerant pluralism, they will very likely come to feel a strain between these public views and their religious commitments. Sometimes this will lead to modifications in the (interpretation of) the religious view itself, as has happened with Roman Catholicism after Vatican II. The deliberate expression of respect for other religions that is now an orthodox part of Catholic doctrine (as in the current Pope’s 1998 speech to the United Nations General Assembly, stating that all religions are avenues to the truth) is surely in part a way of reconciling church doctrine with political principles that most major world democracies and their citizens officially accept. Similarly, Gandhi’s radical reinterpretation of Hinduism as not resting on caste distinctions, though in part inspired by his own spiritual investigations, was surely also inspired by political thought about the norms of the future pluralistic democracy, and how Hinduism might support

²⁰ Chapter 6.

²¹ On overlapping consensus, see PL 133-72.

²² See the important section “Free Political Speech,” PL 340-347, and the following section, “The Clear and Present Danger Rule,” 348-56. Rawls argues that the standard defended in Brandenburg v. Ohio is too restrictive. His own view is that political speech may be abridged only in a constitutional crisis in which there is imminent danger to the survival of the basic structure of the state itself. I do not intend to defend this view, which seems to me extreme.

rather than undercutting them. Religions may stick to their intolerant guns, but if they do, and if citizens affirm the political principles as both valuable and important, such religions are likely to gain fewer adherents over time, since people dislike living with such emotional and cognitive tensions. As Rawls emphasizes, to show that a proposal is respectful of religion we are not obliged to show that all religions fare equally well under it.²³

The norms (and supportive emotions) of the political culture should always be fostered together with support for a robust critical culture of the sort that Kant favors. In this way we reassure those who disagree with us, showing them that our proposal is not a Rousseauian "civil religion." In this way, too, we express a commitment to equal respect for persons, even when their views are not the ones enshrined in the dominant public culture. And, as Mill emphasized in On Liberty, we protect the ideas of the public culture from becoming mere empty shells, with no passion sustaining them, if we do debate them vigorously and constantly.

But because my program is more psychologically complex, more unsettling, than Mill's, it is going to need real artists to carry it out, not just well-intentioned public servants. Such artists can play a role in at least three different ways. First, they may participate in constructing emotions supportive of the political norms, for people who do not yet support them, or fully support them (especially children and young people). Second, they may give people a sense of how important the political norms are, again by attaching them to emotions that support them and embody a sense of urgency. As Rawls remarks, it is not enough that people support norms of toleration and equal respect: they must also think that these political goals are quite important, worth really trying hard to secure and maintain, because these political goals may sometimes require sacrifices of their own self-interest.²⁴ Emotions constructed by art and rhetoric frequently play a valuable role in such a process. Third, a "public poetry" of the type I envisage can also support the efforts of those who already believe in the political norms, giving them hope (as they participate in the public celebration of their own values) that these good norms may eventually prevail and are not merely a foolish utopianism.

²³ Cf. PL 197-200.

²⁴ See, for example, PL 154-58.

Now we must leave the realm of abstraction and turn to political history. For there are indeed examples of the good kind of “civil religion” or public poetry in our recent history, and if we keep them before us as paradigms, we will understand a little more about our task.

If I were giving this paper in India, I would turn at this point to Rabindranath Tagore, who was the arch-entrepreneur of a public poetry of diversity and inclusion. In his songs, dance-dramas, and poems, he celebrated the richness of a nation that derives from its diversity; at the same time, he celebrated the body, with all its complexity, its sexuality, its aging, as a source of joy.²⁵ By casting middle-class Hindu women (students in his school) in leading roles in his sexy dances, he made a powerful statement against the stigmatization of female sexuality. Amartya Sen’s mother, who was one of his leading student dancers, has movingly described to me the scandal of her debut on the Calcutta stage, dancing the role of Spring in Tagore’s dance-drama about the seasons of the year. Although she can no longer walk, she can move her arms, and she has demonstrated for me how Tagore himself seductively danced the role of the human being who waits for the spring, beckoning to her, until she leapt in with joyful abandon.

I note that India had a big fight about which poem to choose for its national anthem. One candidate, still favored by the Hindu right, who constantly seek to reverse the decision, was the poem “Bande Mataram,” “Hail to the Motherland,” by nineteenth century Bengali novelist Bankim Chatterjee, an aggressive warlike ode to a type of national unity based upon blood, homogeneity, and the land -- the very idea of unity that the Hindu right love, because it fits with their racial ideas of genuine citizenship.²⁶ The speaker expresses slavish devotion to the Motherland, depicted as

²⁵ On Tagore, see “Education for Democratic Citizenship,” above n. 1, and also Democracy in the Balance: Violence, Hope, and India’s Future, book in progress, under contract to Harvard University Press.

²⁶ Here is an English translation (obviously rather poor) of the lyrics:

Mother, I bow to thee!
 Rich with thy hurrying streams,
 Bright with thy orchard gleams,
 Cool with thy winds of delight,
 Dark fields waving, Mother of might,
 Mother free.
 Glory of moonlight dreams
 Over thy branches and lordly streams,
 Clad in thy blossoming tress,
 Mother, giver of ease.
 Laughing low and sweet!

a goddess; he kisses her feet, and he identifies morality and law, explicitly, with this death-seeking mother-goddess. The poem is suffused with anxiety about military weakness and the humiliation of colonial domination, which it seeks to purge in an orgy of violence. Writing in 1915, in his novel The Home and the World, Tagore depicted the song as closely connected to a narrow type of patriotism that repudiated the claim of Muslims to be equal citizens of India, and that put slavish devotion to the motherland ahead of principles of justice.²⁷

Mother, I kiss thy feet,
 Speaker sweet and low!
 Mother, to thee I bow.

Who hath said thou are weak in thy lands,
 When the swords flash out in twice seventy million hands
 And seventy millions voices roar
 Thy dreadful name from short to short?
 With many strengths who are mighty and stored,
 To thee I call, Mother and Lord!
 Thou who savest, arise and save!
 To her I cry who ever her foemen drave
 Back from plain and sea
 And shook herself free.
 Thou art wisdom, thou art law,
 Thou our heart, our soul, our breath,
 Thou the love divine, the awe
 In our hearts that conquers death.
 Thine the strength that nerves the arm
 Thine the beauty, thine the charm.
 Every image made divine
 In our temples is but thine.

Thou are Durga, Lady and queen,
 With her hands that strike and her swords of sheen,
 Thou are Lakshmi Lotus-throned,
 Pure and perfect without peer,
 Mother, lend thine ear.
 Rich with thy hurrying streams,
 Bright with thy orchard gleams,
 Dark of hue, O candid-fair
 In thy soul, with jeweled hair
 And thy glorious smile divine,
 Loveliest of all earthly lands,
 Showering wealth from well-stored hand!
 Mother, mother mine!
 Mother sweet, I bow to thee,

Mother great and free.

²⁷ See The Home and the World, trans. Surendranath Tagore (London and New York: Penguin, 1985), especially p. 29, where the wife observes: "And yet it was not that my husband refused to support Swadeshi, or was in any way against the Cause. Onl he had not been able whole-heartedly to accept the spirit of Bande Mataram. 'I am willing,' he said, 'to serve my country; but my worship I reserve for Right which is far greater than my country. To worship my country as a god is to bring a curse upon it.'"

The other candidate, which won, was a poem, “Jana Gana Mana,” by Tagore,²⁸ The poem celebrates the diversity of India’s people, mentioning their ethnic and regional variety. It depicts all citizens as loving their country, and revering the universal principles of right and justice on which it is founded; even the river Ganges and the waves of the Indian ocean sing this name.²⁹ The poem it has no warlike message; although it mentions victory, the victory in question is consists in protecting all of India’s people and achieving well-being and justice for them. Its idea of unity is one of mutual love among people who are different. It is not surprising that the Hindu right fights so aggressively to change this anthem, and even circulate false stories about it, such as the story that it was originally written to celebrate a visit by King George V (when really it was written after Tagore decided that he could not celebrate that visit, in place of the desired celebratory anthem).

I believe that this anthem really does some work in reaffirming and strengthening commitment to the political values it embodies. I cannot doubt, when I see activists singing it with conviction and enthusiasm, after spending weeks taking down testimony of women who were raped and tortured in the religious massacre in Gujarat, that the poem and the emotions it inspired renew hope in people whose experience might lead them to the brink of hopelessness. It also helps to teach values of pluralism and respect to children who have not yet made a choice in

²⁸ This is an English translation of the text. To hear the melody, also written by Tagore, which is itself very far from warlike, and suggestive of dance rhythms, one may go to www.tourindia.com/insignia/anthem/htm. People typically sway to the rhythms of the tune as they sing. The addressee of the song is God, conceived of, as I say, in Tagore’s Deist/Comtean sense, as a universal principle of right and justice. It is for the victory of this principle that the song asks at the end:

Thou art the ruler of the minds of all people,
Dispenser of India’s destiny.
Thy name rouses the hearts of the Punjab,
Sindhu, Gujarat, and Maratha.
Of the Dravid, and Orissa and Bengal.
It echoes in the hills of Vindhya and Himalayas, mingles in the music of the
Jamuna and Ganga and is chanted by
The waves of the Indian sea.
They pray for thy blessings and sing thy praise,
The saving of all people waits in thy hand,
Thou dispenser of India’s destiny.

Victory, victory, victory to thee.

²⁹ These ideas are expressed in terms of Tagore’s conception of the religion of humanity, which is very similar to Mill’s, and has a similar Comtean source. See Tagore, The Religion of Man, Oxford 1930. On Comte’s influence on Tagore, see Jasodhara Bagchi, “Anandamath and The Home and the World: Positivism Reconfigured,” in P. K. Dutta, ed., Rabindranath Tagore’s The Home and the World: A Critical Companion (Delhi: Permanent Black, 2003): 174-186.

the struggle between pluralism and Hindu fundamentalism. And, by being sung on solemn public occasions, especially occasions celebrating India's independence and its founding as a nation, it gives a sense of emphasis and importance to the values on which the nation was in fact founded, values that are under siege in today's India. Of course a national anthem cannot do much work in isolation from other aspects of the political culture. If Tagore's proposals for education had been more widely institutionalized, there would have been a stronger support structure for these values in public education. But at any rate the anthem leads in the right direction, especially when people are aware, as everyone is, that it was deliberately chosen, and is still being deliberately chosen, over against another anthem that embodies a different vision of India. (If you do an internet search, you will come upon numerous Hindu-right websites that tell you that although "Jana Gana Mana" is in fact the national anthem, "Bande Mataram" is equally important and is India's "national song.")

But since I am in the U. S., let me now choose U. S. examples of a "civil religion" addressed to the formation of political emotions.

I. Walt Whitman's Poetry.

Although I have written so much about this topic before, Whitman's effort to construct a public poetry supportive of democracy cannot be overlooked, since, unofficial though it is, it is a paradigm of what I have in mind, and it has deeply influenced most subsequent examples. I will simply ask you to excuse the poverty of detail in this account on the ground that chapter 15 of Upheavals of Thought, which treats Whitman's poetry as an example of the idea of the reform or "ascent" of love, contains the details that I think most important.

Whitman understood, and repeatedly asserted, that the civic fabric of a democracy cannot be held together by laws and institutions alone: "To hold men together by paper and seal or by compulsion is no account" (Blue Ontario's Shore 130). What is needed is something "which aggregates all in a living principle" (131) – and that, he insists, can be supplied only by poets. Writing during the Civil War, he says that the U. S. needs poets more than any other country does; "Their Presidents shall not be their common referee so much as their poets shall" (133).

Why are poets needed? This is a large topic, but the connection of poetry with the emotions is a central part of it. An insistent theme in Whitman's poetry is the relationship we have to minorities in our society: African-Americans, women, and homosexuals. Whitman understood that laws can say that all citizens are equal, but only poetry can construct sentiments that lead all citizens to acknowledge that equality, because only poetry can characterize the suffering of exclusion in a way that moves us to put an end to it, and only poetry can characterize what we stigmatize and hate in ways that make us see it differently. Crucial to this project is forging a new idea of the body. My own very Whitmanesque view about the nature of "radical evil" is that a certain shame and disgust at our very humanity leads, under many social circumstances, to the stigmatization of others. Whitman saw his task, therefore, as creating a new relationship to the body, one of love and delight rather than shame and disgust. Like Tagore, Whitman understood that emotions supportive of respect for all the different citizens of a great nation, whatever their race, gender, or religion, required working vigilantly against the tendency to stigmatize the different by portraying people or groups as disgusting, as bearers of some type of bodily contamination or dirtiness. This human tendency, which I call projective disgust, is a flight from something in ourselves; it therefore can be countered only by a reconstructed relation to ourselves and our bodily fluids, which Whitman again and again tries to forge – above all in "I Sing the Body Electric," but throughout "Song of Myself" and many shorter poems as well.

Whitman's poetry, like Mill's religion of humanity, contains ideas of transcendence. First of all, it contains the idea of what I have called "internal transcendence," the transcendence of racism and other forms of oppression in justice, the transcendence of the Civil War in the form of a restored and aspiringly just nation, the transcendence of the hatred of difference in the form of an image of New York, which represents for Whitman the idea that people different and unsettling to one another might live in peace, and chaotic turbulent amity, with one another. Second, it also contains a Milleian idea of the continuity of all lives, the way in which the lives of soldiers dead in the war survive in the blades of grass upon their tomb, the way in which all of us survive in our fellow world citizens and the progress of humanity. It repudiates as harmful not the bare desire

for transcendence, but rather a disgust at one's human body, which is seen by Whitman to be strongly linked with the repudiation of particular groups and people. (To his list, we should add the repudiation of people with bodily and mental disabilities, who are all too often shunned because of an anxiety they evoke in the people who would like to think their bodies free from flaw.)

Public poetry is likely to be unsettling, as Whitman's poems have always been found unsettling. And yet the sheer richness of language and image in them leads the reader in, until the difficult and challenging images prove acceptable – even images of the relationship between self and soul as one of homoerotic intercourse, images of women being freed to bathe and dance with naked men, images of black men eating with white men and even exchanging clothing with them. When one considers the extraordinary fact that a poet who frankly challenged all the sources of disgust and stigma in American society is beloved and is taught to every school child in the country, one can see the magnitude of the task that Whitman has accomplished.

II. Martin Luther King, Jr.'s "I Have a Dream" Speech.

This famous speech is read by all school-children. They cut their public- emotional teeth on it, so to speak, and in the process form emotions relating to race and the relationship between race and American ideals. The speech had, and has, two quite different goals: to portray as beautiful and attainable a world of racial equality; and, to convince African-Americans that this goal must be attained through non-violence. The two goals are connected, since the portrayal of the goal as wonderful and attainable is a large part of what might convince someone to persist with King's Gandhian program; violence feeds on despair. But the first goal reaches more broadly: King addresses the white majority, as well as his supporters, and, within that minority, people not yet convinced that the goal is worth pursuing, as well as people who already grant that it is worth pursuing. So King has a very difficult rhetorical task. King's brilliant success in these tasks owes a great deal to his ability to draw on the rhetorical traditions of American history and, at the same time, on the Bible.

The first words of the speech are “Five score years ago,” words that immediately establish it as a commentary on Lincoln’s Gettysburg address; its first reference is to Lincoln’s signing of the Emancipation Proclamation. This proclamation’s “great beacon light of hope” is contrasted to the prior situation of Negro slaves, “seared in the flames of withering injustice.” So already Biblical images of heaven and hell make their appearance, and life in the Jim Crow South is compared to being consigned to Hell unjustly – something that only flawed human beings could have done. The next paragraph, however, makes it clear that one hundred years later, the life of Negroes in America is still hell rather than heaven: they are “crippled by the manacles of segregation and the chains of discrimination,” and are “exile[s]” in their own land. With the image of exile, King cleverly positions African-Americans within the Exodus narrative of slavery and freedom, evoking in his audience the emotions connected with that narrative, with which small Jewish and Christian children are taught to identify at a very early age.

But then King sharply changes course, to evoke yet another American tradition: fiscal responsibility. We have come, he says, to “cash a check.” The Constitution and the Declaration of Independence were a “promissory note,” on which America has “defaulted...insofar as her citizens of color are concerned.” Instead, America “has given the Negro people a bad check which has come back marked ‘insufficient funds.’ But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity in this nation.” This part of the speech is little quoted, but for me it is especially shrewd. Most of the speech relies on prophetic Biblical imagery, which most Americans will find resonant, but perhaps not all. Here King reaches out to the rather unpoetic and unreligious American who just has a sense of fiscal rectitude. He says that national ideals are like a promissory note, and justice is like a bank that surely has sufficient funds to pay that note. Instead of the common racist trope that black Americans are shiftless and lazy, we have an opposing image: white racists are like people who pass a bad check. (At the same time, he reassures his black audience, saying that there is enough money in the bank for all, there is no need of violence to get it out.

Suffusing the images of servitude and freedom that follow are insistent reference to tactile bodily sensations: the “sweltering summer of the Negro’s legitimate discontent” (a phrase that alludes to the actual heat of the August day in Washington, but whose Shakespearean reference also implicitly contrasts the Negro’s legitimate strivings with Richard III’s crafty manipulations); the “warm threshold which leads into the palace of justice,” as if its comforting touch can even now be felt by the weary feet of the marchers; the bodies of Negro men and women which, “heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities.” In this way, in a very Whitmanesque manner, he conjures up a physical empathy with Negro bodies, transcending the disgust and stigmatization that usually makes it impossible for whites to empathize with the way a Negro body feels.³⁰

Now we arrive at the most famous parts of the speech, at King’s remarkable mingling of American ideals with Biblical prophetic rhetoric. It seems unnecessary to mention the parts that every one of us knows, and has heard, with the marvelous cadences of King’s extraordinary voice; but I have particular admiration for the Exodus style characterization of Mississippi as “a desert state, sweltering with the heat of injustice and oppression,” but scheduled to become “an oasis of freedom and justice.” It is so odd to think of Mississippi as a desert land that the metaphor forces thought: what is really desert, and what fertile oasis, in this country of ours? I also have particular admiration for the way in which the governor of Alabama is first characterized as a fairy tale witch, his “lips...presently dripping with the words of interposition and nullification,” but then the future of Alabama rises up out of the end of that same sentence, as a future where all children, black and white, “walk together as sisters and brothers.” Although I am not sure, I believe that this sentence makes reference to “Hansel and Gretel” where we first have the witch who has imprisoned the little children, and then, after she is gotten out of the way, the children rise up, and, at the end of the opera anyway, join hands together – an image linked to the history of German racism, now turned around to stand for a future of racial equality.

³⁰ Lest readers forget how physical the stigmatizing of African-Americans was in our country: my father (born in Macon Georgia) forbade our African-American cleaning women to use the same toilet as any of us, and even forbade me to offer a local black child (daughter of live-in help in the neighborhood) to drink from a glass of water in our kitchen.

The famous ending of the speech, in which King evokes “America the Beautiful,” and urges freedom to ring from each state, is Whitmanesque for the way in which the states are personified, in quite sexy ways: the “heightening Alleghenies of Pittsburgh,” the “curvaceous peaks of California.” And then, his sly humor comes back, as he says, let freedom ring “from every hill and every molehill of Mississippi.” I am inclined to think that the sly humor in the speech is one of its great points, for it says to the audience, “We are nobody’s fools, we are no sentimentalists. We know a molehill when we see it. We also know a Richard III, we know a witch, when we see them. But we overlook that, to pursue the cause of freedom.” The path of nonviolence looks, then, like something smart people can embrace without feeling stupid. (Gandhi was also a master at this sort of thing, combining extremely sophisticated wit³¹ with theatricality that moved large masses.)

The closing broadens the message of freedom, making it not just about the freeing of black people, but about the freeing of all people: racism enshackles us all, so it is all who need to be freed, “black men and white men, Jews and Gentiles, Protestants and Catholics”, all will be able to sing together. But all, this time, will not just sing “America the Beautiful” together, they will sing “in the words of the old Negro spiritual, ‘Free at last! Free at last! Thank God Almighty, we are free at last!’”

How, more precisely, does King construct emotions in his audience? Let us focus on the primary two, anger and hope. To make an audience angry, as Aristotle long ago observed, you need to make them feel that they – or someone they care about – have been wronged, in a way that is significant and not trivial, and that the wrong was not merely inadvertent or negligent, but willfully inflicted. Obviously enough, King’s references to hell, to the bad check, the weary bodies of people who can’t stay in a hotel, and to the dripping mouth of the governor of Alabama engender such beliefs. Could such beliefs have been summoned up without King’s use of imagery and his references to the Biblical and literary traditions? Probably, in people who had them already, as most of the audience did. For them, the key aspect of King’s manipulation of

³¹ Told that Lord Curzon prayed to God every day, he replied, “What a pity that God gives him such bad advice.” Asked by a journalist what he thought of Western civilization, he said, “I think it would be a very good idea.” This sort of thing was typical, and helped his followers to feel that to follow him in non-violence was not to be a chump.

anger lies in the way in which, by connecting anger to hope, he defuses the urge to violence. But what about uncommitted members of the audience? And, since the speech was written for posterity and not only for a single occasion, what about school children who read it now to learn about the civil rights struggle? For those children, the vivid bodily depiction of fatigue and insult is crucial in getting the propositions involved in anger to be really believed, really taken in beneath the surface of the mind.

So too, I believe, with hope. To have hope, one must believe that an important future good is possible. One might have had a speech that said, "There is an important goal we are pursuing, and we can achieve it if we work hard." But who would really listen to that or believe in it, while standing with weary feet in Washington on a hot August day? King's depiction of the contrast between the 'dark and desolate valley of segregation' and the "sunlit path of racial justice," his resonant use of the prophetic "every valley shall be exalted" – whose familiarity is one part of what makes it easy to take in beneath the mind's surface – the repetition of the phrase "I have a dream," and the vivid depiction of a possible future time corresponding to that dream, the references to the familiar text of "America the Beautiful," which surely must be possible and attainable, because we already sing it as if it is reality – all this positions the hope-for goal as both glorious, deeply significant, and as available, no idle dream, but a dream that will become reality.

It is hardly necessary to mention the fact that high-minded philosophical sentiments compatible with this hope, if written as you or I would write them, or even as John Stuart Mill would have written them, could not on their own have moved large masses of people to support its cause. King's poetic and rhetorical genius played a key role in getting people to support the non-violent movement, and in getting still other people to understand what it was all about. In this way, rhetoric and emotion changed history. If King hadn't been this sort of poet, we can hardly say what would have happened next.

King, to my mind, advances a civil religion in the best sense. In its Gandhian vision of non-violence and its reliance on the tradition of Constitutional rights, it is a civil religion in a way that is compatible with the vision of Locke and Kant; it does not rely on Rousseauian coercion. Moreover, although the speech relies for some of its effects on familiarity with Judaeo-Christian

prophetic texts, it uses those texts in a non-sectarian way, as it also uses Shakespeare and “America the Beautiful.” Its sentiments, and its images too, can be endorsed by people who do not belong to that religious tradition, and also by people who do not have any religion.

III. Roosevelt and Public Photography.

During the Depression, Roosevelt faced a large rhetorical challenge: how to mobilize public support for the policies of the New Deal, in an America that had never before supported such social welfare measures? The task was complex, for Americans traditionally had not wanted to extend economic relief to people except in the case of a natural disaster. Nor had they been inclined to have compassion for people whose problem was poverty: for they thought of these people as slothful and irresponsible. Here I draw on brilliant work by legal sociologist Michele Landis Dauber,³² who argues that Roosevelt, understanding these attitudes, deliberately set out to convince Americans that an economic disaster has all the features of a natural disaster that are most relevant, where the emotion of compassion is concerned. Using an analysis of compassion similar to the Aristotelian one I propose in Upheavals of Thought (no coincidence, since she was my student!), Dauber shows that winning compassion for the victims of economic disaster required convincing the American public that the calamity they suffered was serious; that they were not to blame for it (any more than one would be to blame for being the victim of an earthquake or a flood); and that it was the sort of thing that any human being might suffer.

Dauber analyzes many pieces of public rhetoric and many works of art connected to the New Deal, including John Steinbeck’s great novel, The Grapes of Wrath. But my focus here will be on her analysis of the photographs commissioned by various New Deal agencies, in particular the Resettlement Administration. Hiring a staff of talented photographers, including Dorothea Lange, Walker Evans, Ben Shahn, Lee Russell, and Arthur Rothstein, the Administration gave them specific instructions about how and what to photograph, and also chose, later, which photographs to print and which to “kill.” Those selected were shipped to newspapers and

³² Michele Landis Dauber, “Fate, Responsibility, and ‘Natural’ Disaster Relief: Narrating the American Welfare State,” Law and Society Review 33 (1999): 257-318; and Helping Ourselves: Disaster Relief and the Origins of the American Welfare State, Dissertation, Northwestern University, December 2003, under contract as a book to Stanford University Press.

magazines around the country, included in reports given to the Congress, and displayed at conventions of social workers, so that the images rapidly came to stand for the depression itself.

How did these images construct compassion for a skeptical American public? The seriousness of the plight of the poor was the easiest thing to depict. Images showing lines of people applying for various types of relief – unemployment checks, bread, soup – made vivid the lack of basic necessities in lives hit hard by the Depression. Other images showed the dwellings of the poor and the even worse conditions in which migrant laborers were forced to live. Much more difficult were the other elements of compassion. Lack of blame and the idea of similar possibilities actually go together closely: for a spectator will think, “I myself might suffer that,” only if it is clear that the cause of misery is not badness or laziness on the part of the suffering person. Roosevelt’s agents thought about this problem very hard. First, they forbade photographers to show images of strikes (a favorite subject of Dorothea Lange before this), since that would scare viewers and make them think of the poor as bad troublemakers who brought their misery on themselves. Instead, people quietly queuing up for bread were preferred, in which, Dauber argues, the “blameless character of the needy” was shown in their orderliness and patience. Second, the images selected were shorn of biography, in order to prevent thoughts about individual moral character and possible blame from cluttering the mind of the spectator. The only cause of misery that we are permitted to focus on is the depression itself. In the queue photographs that were selected (as contrasted with those that were “killed”), “[t]he viewer is prevented from identifying the men as individuals by the hats, shadows, and hazy focus that obscure details of physiognomy. These are people made equal in their loss.” Other photographs of intimate suffering have a surface clarity and appeal, but at the same time discourage any interest in the biography of the individual represented. “Thus we have,” Dauber concludes, “in some of the most enduring visual images of the Depression, vivid pictures of babies being nursed by migrant women who are otherwise wholly anonymous, without clues as to family status, location, or historical circumstances.”³³

³³ All these quotations are from chapter 4 of the dissertation, although there is a similar discussion in the article.

This appeal to emotion through a carefully crafted use of the arts was, I believe, a key feature in the success of Roosevelt's New Deal programs. The fact that nobody is thinking much about these matters today goes some way to explaining the slide back to the view that the poor cause their own misery,³⁴ and, in turn, to the decline of the American welfare state. Both Roosevelt and King exemplify my argument: progressive movements for equal respect ignore rhetoric and the construction of emotion at their peril.

We seem to have moved rather far from our original focus on religious and ethnic relations. But poverty is among the greatest sources of stigma in all societies, and this case, which shows how stigma can be overcome by an intelligent public deployment of emotion, contains obvious lessons for the cases with which my argument has been most concerned. It is also an instance of a "religion of humanity" in Mill's sense.

IV. Millenium Park.

The poetry of great cities is a particularly powerful source of public emotion-construction in the American tradition. New York and Chicago, in particular, have given rise to a type of civic poetry and art that expresses a love of differences and celebrates the great energy that comes from difference when difference is respected and not feared. Here we must return to Whitman, whose public poetry of inclusiveness for all America, during and in the wake of the horror of the Civil War, was modeled on his love of New York and his sense of what New York stood for. "Walt Whitman, a cosmos, of Manhattan the son," he announces himself early in "Song of Myself," and immediately he juxtaposes to the idea of New York the key values of his ideal America: "Whoever degrades another degrades me./And whatever is done or said returns at least to me...By God! I will accept nothing which all cannot have their counterpart of on the same terms."

What is the connection between these values and the idea of New York? Whitman shortly makes it explicit:

³⁴ See the sociological study of compassion in America by Candace Clark, Misery and Company (Chicago: University of Chicago Press, 1997), which concludes that many if not most Americans hold this belief; see also my Upheavals of Thought: The Intelligence of Emotions (New York: Cambridge University Press, 2001), chapter 6.

Through me many long dumb voices,
 Voices of the interminable generations of prisoners and slaves,
 Voices of the diseas'd and despairing and of thieves and dwarfs,
 ...And of the rights of them the others are down upon,
 Of the deform'd trivial, flat, foolish, despised,...
 Through me forbidden voices,
 Voices of sexes and lusts, voices veil'd and I remove the veil...

New York is a metaphor for the turbulent diversity that is Whitman's America, and for the daring and energy of that diversity, all the forbidden people and things that dare to speak their names here. You can see that Whitman is addressing the roots of shame and disgust in a way that goes to the heart of intolerance as I understand it. He says that if we learn to love and celebrate what is noisy, messy, tumultuous – including, prominently, our own messy sexuality – then we will be less likely to hate and oppress others.

I am reminded of the painter Red Grooms, who said this about his great painting "Ruckus Manhattan": "What I wanted to do was a novelistic portrait of Manhattan from Battery Park to Grant's Tomb. I also felt it had to include the dark sides of life as well as the lighter ones: prostitutes, thieves and gamblers, tourists, shoppers, babies, moms and dads. I wanted to get it all in, it got quite busy."

In both Whitman and Grooms, this poetry of diversity is not free from difficulty. The dark side of life is dark. But there is a kind of love undergirding the whole enterprise, and the suggestion is that this love, which is at bottom a love of the messier parts of ourselves, can carry us forward. When we don't like our fellow citizens, or approve of what they do, we can still love them as parts of the great city that we celebrate and are. The poetry of inclusion beckons to us, offering pleasure as we investigate corners of life we usually view with suspicion. These include, as Whitman knew so well, aspects of human sexuality that we usually cordon off as forbidden territory, telling ourselves that what makes us uncomfortable is outside and "other." Thus Whitman's invitation to love the body provides a solvent for turbulent hatreds that grow out of our inability to tolerate ourselves.

But enough of New York. At this point, Chicago patriot that I am, I want to describe Chicago's new Millenium Park, opened by the city in the summer of 2004, which creates a public space that is its own poem of diversity. As you approach the park from Michigan Avenue, you encounter, first, the Crown Fountain, designed by Spanish artist Jaume Plensa. On two huge

screens, 50 feet high and about 25 yards apart, one sees projected photographic images of the faces of Chicagoans of all ages and races and types. At any given time two faces are displayed, changing expression in slow motion, with wonderfully comic effect. Every five minutes or so, the faces spit jets of water out of their mouths onto the waiting bodies of delighted children, who frolic in the shallow pool below and between the screens -- often joined, at first shyly and gingerly, by parents and even grandparents. (My daughter, a cultural historian, calls this an "ejaculatory aesthetic." Well, yes. That is its charm. As Whitman said of the young men bathing, so of these faces: "They do not think whom they souse with their spray.")

If you watch all this from a certain angle, you will also see the sprouting plumes of the Frank Gehry band shell curling upward, a silver helmet, lying on its side, a relic of war that has decided to abandon aggression and turn into a bird. From yet another angle, you see the buildings of Michigan Avenue, and the clouds above, reflected as crazy curves in Anish Kapoor's sculpture, "Cloud Gate," a huge inverted stainless steel kidney bean. The buildings look nice straight, and they look even more delicious curved or, I'm tempted to say, queered. People of all sorts lie on the ground underneath the sculpture to get a view, or walk around it looking at their own distorted reflections. Meanwhile, on Gehry's improbably curving bridge over the highway -- a bridge that seems to go nowhere in particular -- people meander, pause, talk to strangers. The interactive public space celebrates diversity together with astonishing beauty, and both together with the pleasures of the body, as young and old paddle contentedly, or stare at the reflected clouds.

What attitudes and emotions are constructed by this magical place? Well, certainly a love of diversity in one's fellow citizens, and a sense that diversity is a source of pleasure, not of anxiety. Then too, a delight in getting wet -- for one of the features of the park least anticipated by its designers has been the extent to which not just children, but people of all ages, want to stand in front of those spewing fountains, in which they have an odd kind of sensuous, if not exactly sexual, intercourse with Chicagoans of many races and genders and ages. Also, not insignificantly, a sense of the ridiculous in oneself and others, a sense that when the body looks odd and funny, or when fluids suddenly shoot out from some part of the body, that is good rather

than bad. Also, again not insignificantly, a kind of calmness, a willingness to lie around, to walk slowly, to pause and greet people.

Radical evil is not a piecemeal affair. What Kant and Mill rightly want is a wholly new view of human relations, not simply progress on this or that issue. And it is clear that radical evil is alive and flourishing in the U. S. Suspicion and mistrust of other peoples and groups is growing. Rather than being encouraged to see the world as an international society in which we must all support the aspirations of people everywhere to decent and dignified lives, we are being encouraged to think in terms of U. S. preeminence, and to see other nations as looming threats to U. S. power and safety – what I would call a narcissistic view of politics. Domestically, the dominant religion increasingly asserts its hegemony over minority religions and non-religion, and public rhetoric too often gives sanction to this aim. In the proposed gay marriage amendment, we see deep-rooted anxieties about sexuality taking a hateful and repressive form.

To counteract the influence of all this division, we need not only good liberal doctrines and arguments, and not only (though it is crucial) the vigilant protection of free speech. We need a poetry of the love of free citizens, and of their noisy chaotic sometimes shockingly diverse lives, constructing emotions that provide essential undergirding for good laws and institutions. Without this, good liberal principles, as Whitman said, are just dead words on paper. Whitman, Roosevelt, Tagore, and King, understood, and Mayor Daley (with the help of Frank Gehry, Anish Kapoor, and Jaume Plensa) understands, this point well. If we are to survive as a pluralistic nation, we'd better hope there are more out there like them.

