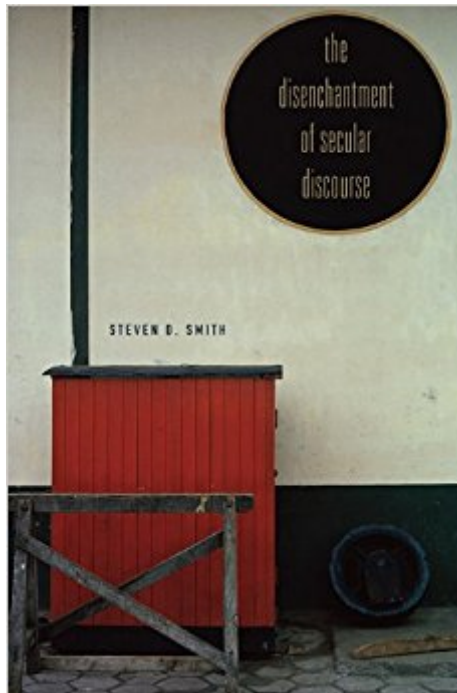




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The Disenchantment Of Secular Discourse



Synopsis

Prominent observers complain that public discourse in America is shallow and unedifying. This debased condition is often attributed to, among other things, the resurgence of religion in public life. Steven Smith argues that this diagnosis has the matter backwards: it is not primarily religion but rather the strictures of secular rationalism that have drained our modern discourse of force and authenticity. Thus, Rawlsian "public reason" filters appeals to religion or other "comprehensive doctrines" out of public deliberation. But these restrictions have the effect of excluding our deepest normative commitments, virtually assuring that the discourse will be shallow. Furthermore, because we cannot defend our normative positions without resorting to convictions that secular discourse deems inadmissible, we are frequently forced to smuggle in those convictions under the guise of benign notions such as freedom or equality. Smith suggests that this sort of smuggling is pervasive in modern secular discourse. He shows this by considering a series of controversial, contemporary issues, including the Supreme Court's assisted-suicide decisions, the "harm principle," separation of church and state, and freedom of conscience. He concludes by suggesting that it is possible and desirable to free public discourse of the constraints associated with secularism and "public reason."

Book Information

Hardcover: 304 pages

Publisher: Harvard University Press; First Edition edition (June 1, 2010)

Language: English

ISBN-10: 0674050878

ISBN-13: 978-0674050877

Product Dimensions: 5.5 x 1 x 8.6 inches

Shipping Weight: 1.1 pounds (View shipping rates and policies)

Average Customer Review: 5.0 out of 5 stars 4 customer reviews

Best Sellers Rank: #1,026,387 in Books (See Top 100 in Books) #18 in Books > Law > Estate

Planning > Living Wills #21 in Books > Law > Health & Medical Law > Right to Die #212

in Books > Reference > Etiquette > Conversation

Customer Reviews

This book presses us to look harder at closely held beliefs and to question deeply rooted premises and commitments with which we are perhaps too comfortable. (Richard W. Garnett, Notre Dame Law School) Smith's book is insightful, provocative, and wonderfully engaging. The Disenchantment

of Secular Discourse challenges conventional academic wisdom and provides a welcome opportunity for others to re-examine their own positions. (Michael J. Perry, author of *The Political Morality of Liberal Democracy*)

Steven D. Smith is Warren Distinguished Professor of Law at the University of San Diego and Co-Executive Director of the USD Institute for Law and Religion.

This is a rich resource on exposing modern secular discussion's reluctance to openly mention the worldviews it surreptitiously uses. Steven Smith does a masterful job of documenting how especially the academy and the legal community studiously avoid acknowledging the classical ethical sources of Western civilization even while using ill-disguised substitutes. The reader's eyes are opened to what really goes on in major controversies like assisted suicide, use of the do-no-harm principle, and separation of church and state. He documents his claims with careful citations including US Supreme Court publications.

Excellent analysis and critique; solution rather than bland, as the author himself admits. But the critique is so effective that I still must award the book 5 stars. (And I enjoyed his gentle humor and easygoing writing style.) The real strength of this critique, in my mind, is that Smith bothered to search out what leading secularists in the liberal tradition (and here I speak of the kind of liberal that All Americans, both Republicans and Democrats, generally are) actually said at the highest levels of academic discourse and jurisprudence. As a law professor, his mining of court opinions on euthanasia was particularly valuable. That leg-work demonstrated his thesis that even the most ardent secularists smuggle metaphysical and/or theological assumptions into the iron cage of secular discourse (a concept similar to Charles Taylor's immanent frame). Smith also spent time critiquing renowned philosopher Martha Nussbaum's viciously circular "he says" justification for human rights. And he offered a valuable critique of scientism, drawing from Joseph Vining (*The Song Sparrow and the Child: Claims of Science and Humanity*), namely that while evolution may provide an explanation for morality, it doesn't seem to be one that scientists themselves personally believe with consistency. Scientists do not act as if we all live in a closed system of material causes. This brief summary demonstrates, I think, that Smith was not critiquing no-name lightweights or picking odd, extraneous issues. I have written a much longer review article about this book that I hope to publish elsewhere, but I want to share one conclusion

for the community (and for both of the readers of my blog). Smith's biggest contribution to me was actually how he helped crystallize the message of *After Virtue* by Alasdair MacIntyre. MacIntyre looks at the same problem Smith did but at much greater length and in a somewhat more purposefully historical fashion. MacIntyre demonstrates that the major phases of philosophy since the dawn of the Enlightenment have all critiqued each other pretty decisively on the question of the basis of morality, and nobody in the broad tradition thought anybody else found a firm foundation for morality. MacIntyre spends a great deal more time than Smith did proffering a solution, and MacIntyre's solution is Aristotelian: the recovery of telos. Despite his conversion to Catholicism, MacIntyre's solution is not so much theological as metaphysical. What Smith crystallized for me was that theology and metaphysics are the only viable places from which to get true, substantive norms. Secularism cannot provide them. That's because the rules of secularism allow for *is*'s, but not *ought*'s. If the material universe is all there is or all we're allowed to appeal to in public debate, even if we believe in the supernatural then there's no standard available by which to say that one state of affairs is morally better than another. Atheists and adherents of scientism hear this and howl that Smith et al. are saying atheists are all immoral. But Smith (and I, fwiw) are not saying that; we're only saying that they can't account for morality within the iron cage of their own worldview. Unless we're prepared to go the nihilistic direction and say with Alexander Pope, "All that is is right," some facts of our experience are going to have to be judged wrong by some standard or other. And unless we're happy with purely local, cultural, conventional standards and Stanley Fish has shown in his fantastic essay on *Boutique Multiculturalism* that we're not we're going to have to look to metaphysics or theology. I believe the former is a subset of the latter, personally. Smith hints that direction, too (he went to BYU), but he never really shows his cards. The closest he comes is in the small, final chapter in which he calls for more *openness*. This is very similar to what Michael Sandel of Harvard concluded in *Justice: What's the Right Thing to Do?* At the very least, it would be nice for people to be honest to others (and to themselves) about their value systems, rather than dressing them up in supposedly neutral terminology. This is a great book I'd love to see more secularist liberals interact with. Judging by the quality of the comments on a review of this book (by none other than Stanley Fish) at the New York Times, I don't hold out much hope that many secularists will pay the kind of attention to Smith necessary to have their blinders removed, to come to themselves and recognize their smuggling operations. They still think they're all objective, scientific, and neutral.

Smith diagnoses the place where public discourse finds itself today, locked in an iron cage of secularist assumptions, hypocritically smuggling in non-secular first principles, and zealously policing the borders to prevent anything with the whiff of religion from entering into public discussion. According to Smith the result has been a break-down of the ability to engage in public discussions because of the loss of confidence in reason. Smith's first chapter - "The Way We Talk Now" - surveys the current landscape. It seems that the consistent opinion of philosopher and public intellectuals is that modern secular discourse is particularly shallow and ineffective in its modern iteration. The ineffectiveness of modern discourse stems in part from a lack of confidence by many people that reason can actually work, i.e., do the things it is supposed to do, such as lead people to the truth. Significantly, this view is held by secularist intellectuals, who ought to be the people with the biggest incentive to see discourse as effective and rational. The result is that many public discussions are not discussions. They are just people rehearsing their statements of their own commitments to something or other. As Smith says: "There is indeed a good deal of contention, Dworkin might respond - a good deal of sound and fury, or noisy clash of opinion. Even so, there is precious little real argument, strictly speaking - little genuine debate. Because if you look closely at what people say, they do not really engage their opponents, or even reveal the real bases for their own positions; they merely dress up their pre-established conclusions in verbiage. People may look like they are engaged in debate. They may even think they are engaging in debate. But in reality, they aren't." Smith, *The Disenchantment of Secular Discourse*, p. 5. Smith's explanation for the failure of discourse is that modernity truncated the scope of permissible discussion, locking discussion in what Max Weber described as the "disenchantment of the world." (p. 23.) Smith also uses the metaphor of an iron cage to describe modernity, deriving that image from Max Weber's idea that modernity is an iron cage in "which life is lived and discourse is conducted according to the stern constraints of secular rationalism." (p. 23.) Secularism taught that superstition - meaning anything that was not founded on reason - was bad and that nothing could be accepted which was not itself founded on reason. From that point on, secularist modern philosophy found nothing that could meet the requirements of secular modern philosophy and started "smuggling" in pre-modern assumptions about "equality" or "freedom" or "harm" as if those ideas met the prescription of modernity. The problem is that these concepts are meaningless in themselves. Freedom is an empty concept until it is filled. (p. 28.) Freedom can be good or it can be bad. Is a freedom that permits people to appropriate other people's property good or bad? Well, perhaps it depends on whether one person is starving and the other has more than enough to share. Similarly, equality is "entirely

circular." Equality means treating equal things equally, but in order to know if things are equal we have to bring something other than equality to our discussion. (p. 30.) In his second chapter, "Living and Dying in the 'Course of Nature,'" Smith demonstrates how much of modern discussion in the death and dying area is premised on a kind of truncated view of natural law through an appeal to a kind of final end. Thus, courts have regularly distinguished between letting someone die, which is permissible, but affirmative euthanasia, which is wrong. From a purely rationalist perspective, there is no difference. The result of taking someone off a breathing tube is the same as that of turning up the morphine: the patient dies. The intent is basically the same: the patient is expected to die. But there is a difference in the sense of the person's natural lifespan. "Letting someone die" implies a respect for the way that nature - or God? - intends to let a person have a certain lifespan; killing someone seems to disrespect this plan. But judges can't explain this insight. They have to keep it wrapped up and hidden from sight. This kind of thinking is simply not something that secular modernists can openly accept. Whose plan? What does it mean that there is a plan? Where is this plan located in a world of material reality? Secular modernity has replaced a consideration of nature with a consideration of moral insights and intuitions. We - or some people - seem to "feel" that some things are right or wrong. Moral reasoning, however, requires such an ordering of behavior to a "normative order." (p. 63.) As Smith points out who cares about intuitions unless they are real. (p. 66.) Morality implies an order that is in some sense "normal" or "natural." Smith makes the insightful point that in the context of morality, the appeal to nature is ruled out of order, but science is nothing but an appeal to nature. (p. 62.) Thus, if appeals to the natural world were deemed inadmissible, science would no longer be possible: whatever might go on under the label of "science" would not in fact be science." (p. 62 - 63.) In Chapter 3 - Trafficking in Harm - Smith disembowels the single biggest "smuggled concept" - the "do no harm" principle - as being entirely question begging and circular. Smith points out that many people - including some judges - seem to think that John Stuart Mill's edict that the only reason the state has for interfering with someone is to prevent that person from "harming" others is part of the Constitution. Smith effectively demonstrates that the "harm principle" was incoherent and question begging in Mill's original formulation, and that the idea of harm itself has to be question begging and circular because if it was taken seriously then there would be no end to the government's regulation of behavior since someone's interest somewhere is likely to be harmed - if only because their expectations or desires for living in a particular kind of society may be frustrated. In Chapter 4 - Disoriented Discourse: The Secular Subversion of Religious Freedom - Smith takes apart the incoherent position that the idea of "religious freedom" has devolved. Smith points out that the original idea of "separation of church and state" involved a

recognition that there was an area of jurisdiction that belonged solely to religion. Under the pressure of secularism, which refuses to recognize religion as having a value in itself different than any other human activity, the idea of "separation of church and state" has placed the state in the position of treating religion as any other institution. In the spring of 2012, this evolution can be seen in the contemporary attempt by the Obama administration to require Catholic institutions to pay for contraception - notwithstanding Catholicism's two-thousand year moral opposition to contraception - and in the Obama administration's recent assertions that it could enforce discrimination laws against Church's, such as the Catholic Church, that refused to allow women to become priests. In Chapter 5 - The Heavenly City of the Secular Philosophers - Smith takes an extended look at Carl Becker's classic essay on the "Heavenly City of Eighteenth Century Philosophes." In that essay, Becker pointed out that notwithstanding the philosophes sneering attitude toward traditional Catholic philosophy, at the end of the day, the philosophes merely managed to recreate the same tropes and philosophical ideas that their religious predecessors had established. Smith points out the interesting fact that for all of his posing as a provocateur pulling the mask of the philosophe's failed project, Becker - a classic liberal secularist - never suggested anything better. Smith then considers Martha Nussbaum's attempt to define a theory of morality that is allegedly defensible from a secularist point of view. Nussbaum's theory is based on "capabilities," namely a moral system is one which permits, encourages and even subsidizes people to develop their uniquely human capabilities. But as Smith points out this quickly descends into question begging and circularity. Is torture a uniquely human capability? Obviously not, which Nussbaum would explain is because torture is not morally permissible. But wasn't moral permissibility the question that theory was supposed to address. And around and around it goes. As Becker explained about the philosophes, all Nussbaum has managed to do is repackage non-secular conclusions under the rubric of a modernist, secular philosophy. Smith's sixth chapter is "Science, Humanity and Atrocity." This chapter is an extended meditation on Joseph Vining's "The Song Sparrow and the Child." Vining's essay contemplates the role of science and humanity in horrible atrocities, such as that which induced Japanese scientists to experiment on a three day old child in order to learn about frostbite. Vining was not making an "anti-science" point, but was noting that people have a singular ability to act in horrible ways when in the grip of an idea that purports to explain everything. We can see such a phenomenon in the writings of some scientists and philosophers whose adherence to a "totalistic science rules" out anything that is not material and secular. (p. 193 - 195.) Of course there is always something that falls outside the "total theory," and that thing may be the most important thing. Vining and Smith suggest that an antidote to total theory may be to take a lawyer's approach to claims by

people that they believe something and subject them to cross-examination in light of their actual behavior to see if what they say they believe is what they actually believe. In the case of "totalistic science," one example might be to take a person who claims that love is nothing more than a chemical reaction, and ask them if that's what they really tell their beloved wife or child. (p. 206 - 207.) In the grip of a theory, we can pretend that love is nothing but a chemical reaction, but when we are "being reflective and candid" we really know that reducing everything down to one thing is not what we really believe. Smith's final chapter - Opening the Cage - Smith's suggestion for reform is really quite modest. He suggests that we permit discussion to go where it wants to go. If people want to talk in religious terms, then let them. The cost of policing the boundary of public discourse has been shown to be too high for whatever benefits it creates. A benefit of permitting discussion that is religious - or is simply defined as being religious by the guardians of the boundary - might be a greater honesty on the part of everyone involved in the discussion. Smith makes a singularly powerful rejoinder to the argument that "religion shuts down discussion," namely "says who?" The irony of the "religion shuts down discussion" crowd is that they are doing nothing but shutting down discussion. People can learn civility in public discussions. Based on the quality of public discussions we see today, it is not clear that much more civility could be lost by permitting religious themes, concerns or interests to be part of the agenda. Moreover, people are not likely to learn the habits of civility if they don't have the opportunity to practice those habits. Smith's book is a powerfully insightful book for those who want to know where we are and how we got here.

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