Nobody's neutral

by Paul J. Griffiths in the May 24, 2000 issue

The Trouble with Principle, by Stanley Fish

Stanley Fish argues that it is dangerous to believe you have principles and still more dangerous to speak and act as if you did. By "principles" he means abstract, neutral and general standards for judging and resolving particular substantive differences. Things like fairness, impartiality and justice, for example, are supposed to be so neutral, general and abstract that they can be deployed to mutual advantage by people with deeply different views about the nature of human beings and their proper ends. A radical feminist and a conservative member of the Southern Baptist Convention both ought to be able to recognize and accede to arguments about public policy based on fairness and impartiality, the proponent of principle argues. In the name of impartiality they ought, perhaps, to be able to agree that neither the views about male-female relations advocated in Paul's Letter to the Ephesians nor those advocated by Andrea Dworkin should be taught in public schools.

Fish will have none of this. There are, he says, no neutral principles, no standards not already inflected with substantive commitments about the way the world is--and thus no neutral tools for the resolution of disagreements between devotees of deeply different views of the world. To pretend the contrary is the characteristic error of liberalism, and disposing of this error has been the central theme of his work for the past couple of decades.

An unprincipled politics, Fish writes, works better and is more honest than one based on appeal to principle. Working and arguing for naked preference is how politics in fact proceeds. Appeals to such principles as fairness are inevitably just appeals to preferences, but clothed in such a way as to obscure their intent and impede their efficacy.

Given this line, it should come as no surprise that Fish is especially interested in religion. He made his name as an interpreter of the religious poets John Milton and George Herbert. While his recent work has mostly been more strictly theoretical, his understanding of what it is like to have Christian commitments informs his argument

that the state should drop the pretense of neutrality with respect to religion. More than one-third of the essays in this book treat "reasons for the devout"--reasons, that is, for the devout to accept the principles called upon by the liberal state to justify its legislative, judicial and executive acts. But Fish thinks that such "reasons" ought not to convince the devout, and that the extent to which they are convinced is precisely the extent to which they are not really devout.

Consider the 1980s case of Vicki Frost, a Christian mother who objected to her sixth-grade child being assigned materials about the variety of human religious belief and practice. Frost argued that Christian children's free-exercise rights were infringed by this program, since it required them to study beliefs other than their own, and such study was against their religion. Frost and her co-plaintiffs lost their case on the grounds that the school board was requiring not that their children assent to the beliefs studied, but only that they know about them.

Fish agrees with Frost that her child's religious freedom was being infringed. He argues that the court rulings in favor of the school board amount to an enforcement of a particular, nonneutral view of what human beings are meant to be--just as particular and nonneutral as Frost's Christianity is, although of course deeply different substantively. According to the school district, the nature of human beings is such that it is good for them to be exposed to as many different religious ideas as possible; according to Frost's view, this is not what human beings are like. Since there is no neutral ground for adjudicating this dispute, the courts use "an act of power, of peremptory exclusion and dismissal" to bring it to an end.

Or consider Fish's use of Milton to disagree with Richard John Neuhaus, the Lutheran-turned-Catholic editor of the journal *First Things*. For Fish, Milton is the ideal type of the devout person, one who wants "a unified conception of life in which the pressure of first principles is felt and responded to twenty-four hours a day," and who also wants those principles to inform and order all that the state does. Milton, then, has no interest in fairness or impartiality, does not believe what he believes because he thinks the evidence favors it or that reason demonstrates it; he has, therefore, no interest in being religious as the modern liberal state would understand that condition.

Milton is, instead, obedient to Christianity as a comprehensive and nonnegotiable view of things: his is an ethic of acknowledgment and submission, not of unfettered inquiry and choice, and he is interested only in the substantively good, not the

procedurally right. For Fish, it is the contemporary Miltons, too often mute and inglorious though they are, whose presence guarantees that the primary hope of liberal political theory--that we all just get along--will never be realized.

Neuhaus, in contrast, is firmly convinced that reason can be deployed by Christians to convince non-Christians that they, too, ought to want Christianly desirable things in the public sphere. For Neuhaus these things include ending abortion and expanding free-market capitalism. He believes that a line like Fish's is disastrously fideist, and he accuses Fish of irrationalism. Neuhaus, that is, thinks that reason may very well precede faith and be an instrument in its production, and that it is in any case a much more powerful instrument in debates between the devout and the nondevout than Fish acknowledges.

According to Fish, Neuhaus thinks like a liberal (not something of which Neuhaus is often accused) and exhibits an inadequate grasp of the depth and reach of the very Christianity that he professes. To think as Neuhaus does is to exhibit a dubious desire to enter into a theoretical project (that of liberalism) which holds to substantive commitments that ought to be utterly unacceptable to the Christian devout.

Fish, of course, does not number himself among the devout. He uses his Miltonic understanding of what the devout are like as a stick with which to beat the priests of liberal politics, who claim to be able to embrace even the devout with fairness and impartiality. And it is an effective weapon. Liberals indeed are unavoidably committed to a substantive understanding of what humans beings are like and what human flourishing is. In this respect they do not differ from the devout, and it is a pretense and confusion to insist that they do. Those who are devout (or who would like to be) may and should take some comfort from this, since it eviscerates the characteristically liberal attempt to expropriate the moral and conceptual high ground. Fish's argument shows liberalism for what it really is--simply one more player in the political game.

But there are many who call themselves Christian without thinking of themselves as devout in the Milton-Fish sense. Fish appears not to have considered that for some Christians faith requires them to hold the political convictions and philosophical methods that Fish attributes to liberals. For such Christians, John Locke will appear not as the anti-Milton and the anti-Augustine (as he does to Fish), but as the first of a noble line who began to discern what Christianity really means for political life.

This is a puzzling possibility, and not one that this reviewer can take seriously or even perhaps properly understand. For me, it rests upon an alien construal of Christianity, while the Fish-Milton view is deeply familiar. But this difference means that there is a debate among Christians as to how to be devout. This debate indicates that Fish's identification of being religious with being devout is too quick and easy, and that it goes with a tendency to underestimate the complex historical continuities between the emergence of the Lockean liberal state and Christian convictions.

Fish is interested in more than religion, of course. He advocates a principle-free approach to politics in general, an approach that begins with an attempt to discern what's substantively right (that everyone ought to worship the God of Abraham, for example, or that the maximization of public debate is the supreme good) and proceeds to advocate policy that applies such a substantive understanding to particular situations. This is an agonistic politics whose goal is victory, which means getting the policies you want in place. In Fish's view, this is the only kind of politics there is, and so the significant difference between the politics he advocates and that advocated by those who appeal to principle is that practitioners of the former know what they do, while practitioners of the latter do not.

This position goes with an aversion to theorizing political action, which is not the same as an aversion to all theoretical talk. As Fish says, "Like anything else, but no more than anything else, theory is a possible resource for change in the hands of someone agile enough to appropriate its vocabulary for a particular agenda"--and there's little doubt that Fish considers himself possessed of the requisite agility. He has abandoned the search for rationally demonstrable foundations that would show a particular policy to be right. His principal interest lies, instead, in finding ways to put the policy, whatever it is, into practice.

This view of politics and of its relation to rhetoric is entirely correct. It is also a view largely acceptable to the devout, which is another of its advantages. But Fish takes it to entail that there is nothing but rhetoric, that rhetoric, like politics, goes all the way down. Since everything in the sphere of dialectics is rhetoric, when you're talking with the alien devout, you've nothing else to talk with. But there are, it seems to this particular member of the devout classes, some preeminently nonrhetorical realities, among them the triune God. Affirmation of the universality of rhetoric in the sphere of dialectics is compatible with the strictest realism in the sphere of ontology. It is not clear that Fish sees this.

Even with these caveats, I consider this book a splendid rarity: a work by a non-Christian with the (unintended?) virtue of making those Christians who read it seriously more devout. It's also a good read: Fish is master of a lucid and witty prose of a kind rarely written by academics these days.