

The Language of Enlightenment

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I

Three years ago I came across this letter to the editor in *The Economist*. It was written by an immigrant called Sabah Salih of Danville, Pennsylvania: “As a transplanted Muslim in America, I am grateful to western culture for helping me liberate myself from all the dogma and orthodoxy that the Koran had forced upon me. Sadly, for most of my family and friends in the West the Koran continues to work like a stop-gap, constantly reminding them that only Allah can engage in critical thinking. As a result, they are trapped in the language of absolutes, viewing the world only in black and white. Also, saddened by exile, they favor the certainties that orthodoxies provide rather than trying to understand how a western democracy works.”¹

The first time I read the letter my eyes were stuck on that trio of words that seem to build on themselves: *dogma, orthodoxy, Koran*. It was easy to see those three words as some sort of Augustinian Trinity. In that juxtaposition, each word seemed like it had the same substance as the other: *Dogma, orthodoxy, Koran*. And each word seemed to stand in opposition to what the letter writer was implying: Over there, dogma, orthodoxy, Koran, over here, democracy, pluralism, Constitution. Over there, darkness. Over here, light. Or to put it more crudely: over there, dark continents, dark ages, over here, enlightened West, Enlightenment. I’m not saying that I agree or disagree with this version of the world. I’m just seeing in this one letter a sum-up of a world view, from our perspective here in the west, that became prevalent in the last few years. The question is how, and why, and whether it is in fact valid.

The letter was published less than a year after the attacks of September 11. We were all still under the shock of that day, but only because some of the most powerful voices in

¹ *The Economist*, August 31, 2002.

the country, some of the most powerful wielders of language and perception, wanted us to remain under that shock, to nurture it, to make it our identity, and to inform our response to the attacks. And the response was to be summed up in three words, another Trinity if you like: Lock and Load.

Who were those wielders of language? Were is the wrong tense. Who *are* those wielders, because they're still among us, and they're still calling the shots.

If any of you remember the columns of Thomas Friedman around that time, you'll remember that he was the first to declare the attacks of 9/11 the beginning of World War III. "And this Third World War," he wrote two days after 9/11, "does not pit us against another superpower. It pits us -- the world's only superpower and quintessential symbol of liberal, free-market, Western values -- against all the super-empowered angry men and women out there. Many of these super-empowered angry people hail from failing states in the Muslim and third world. They do not share our values, they resent America's influence over their lives, politics and children, not to mention our support for Israel, and they often blame America for the failure of their societies to master modernity."² I have very few allergies, and Thomas Friedman is one of them. But what I found most disturbing and most telling about that particular column was the very last line: *Semper Fi*, which is short for *Semper Fidelis*, "always faithful," which, as most of you know, is the US Marines' motto. It also happens to be the motto of the city of Exeter near London, but that's not how Thomas Friedman meant it. He meant it as a rallying cry: Lock and load. This is what the premier liberal American columnist in the most important liberal newspaper in the country was writing in 2001. Imagine what conservatives were saying.

Some of you may be familiar with Samuel Huntington. He teaches government at Harvard University. He's also America's xenophobia czar. He's just written a book recycling old fears about multiculturalism and bi-lingualism and Latin American immigration in which he claims that "Mexican-Americans will share" in the American dream "only if they dream in English." But he's most famous for an article he published

² "World War III," by Thomas Friedman, The New York Times, September 13, 2001.

in Foreign Affairs in 1993 called “The Clash Of Civilizations,”³ later expanded into a book. He argues in there that politics as we knew it is over. Nations won’t make war anymore. Cultures and religions will, so that “the fault lines of civilizations are the battle lines of the future.” For the United States to survive, it must forge alliances with like-minded cultures and “spread its values wherever possible. But it must confront alien cultures. You can see why Huntington became a hero of those who wanted to remake the world in America’s image.

Then you had what many evangelical Christians were saying in churches, not least of whom Pat Robertson, who called Islam violent in nature. Our very own Jerry Vines, pastor of First Baptist Church in Jacksonville and past president of the Southern Baptist Conference, who says that “Christianity was founded by the virgin-born Son of God, Jesus Christ,” while “Islam was founded by Muhammad, a demon-possessed pedophile who had 12 wives.”⁴ And we have the Reverend Franklin Graham, son of Billy, who called Islam “a very evil and wicked religion” in 2001, and who, instead of apologizing, said nine months later that Muslims had not sufficiently apologized for the 9/11 attacks and should help compensate the victims’ families.⁵ For the record, the attacks were “roundly condemned by the vast majority of the world’s Muslims, including some of Islam’s most militant and anti-American clerics such as Sheikh Fadlallah, the spiritual leader of Lebanon’s Hizbullah, and the radical Muslim televangelist Yusuf al-Qaradawi.”⁶ So I don’t know what Muslims the Reverend Graham had in mind or what tabloid Jerry Vines is getting his theology from, but sometimes I really wish Malcolm X was alive to help those white preachers understand the world a little better.

I’m not enumerating all these statements to make fun of these ministers though. God love ‘em, they don’t need help embarrassing themselves. What I’m trying to show is that in all the major and important spheres of our culture — in the media, in the academy, in

³ “The Clash of Civilizations,” by Samuel Huntington, *Foreign Affairs*, Summer 1993.

⁴ In a sermon delivered at the Southern Baptist Pastors’ Conference in St. Louis, June 9-10, 2002 (where Oliver North was the concluding speaker), see <http://sbcannualmeeting.net/sbc02/newsroom/newspage.asp?ID=223>

⁵ “Evangelist Says Muslims Haven’t Adequately Apologized for Sept. 11 Attacks,” by Michael Wilson, *The New York Times*, August 15, 2002.

⁶ Reza Aslan, *No God but God: The Origins, Evolution, and Future of Islam* (Random House, 2005), p. 87.

churches, among the so-called elites and the masses — a mood that fed on itself was created, a sort of greenhouse effect of seeing the world in terms of us and them, of light and dark, of backwardness and enlightenment, that was poised to explode in the language of a cultural World War III the moment those barbarians slammed the planes into the World Trade Center.

And what Thomas Friedman and so many other columnists left and right were saying in the media, what Samuel Huntington was saying academically, what preachers were saying religiously on the Sunday circuit, President Bush began saying politically, and translating it all into a world view, a strategy that has defined us as a nation. He has a knack for distilling complexity into the kind of simplicity you might find in a book for children like “My Pet Goat.” You know the phrases very well: “You’re either with us or you’re with the terrorists.”⁷ “There are no gray areas between good and evil.”⁸ And as he put it in his speech commemorating the 60th anniversary of VJ-Day a couple of months ago, when he compared World War II with the various wars he has us fighting now, “We have confidence in our cause because we’ve seen the power of freedom to overcome the darkness of tyranny and terror.”⁹

⁷ The President used the phrase with the most impact for the first time in his Sept. 20, 2001 address to a joint session of Congress (“Either you are with us, or you are with the terrorists.”) The President would subsequently use a variation of this phrase dozens of times, including on Nov. 6, 2001, in a White House appearance with French President Jacques Chirac (“You’re either with us or you’re against us in the fight against terror,” on Nov. 7, 2001, in an announcement in Virginia about the crackdown on terrorism finance (“you are with us or you are with the terrorists”), on Oct. 4, 2001, as he unveiled a “Back to Work” plan at the Labor Department (“Either you’re for us, or you’re against us”), on June 3, 2002, in a speech on welfare reform at the Little Rock, Ark., Steakhouse Convention Center (“If there’s a country that needs to hear again and again you’re either with us or against us, they’ll hear it”), on April 30, 2002, in a speech promoting compassionate conservatism at Parkside Hall in San Jose, Calif. (“Across the world, governments have heard this message: You’re either with us, or you’re with the terrorists”), on April 9, 2002, in a speech at the Connecticut Republican National Committee in Greenwich (“You’re either with us or you’re not with us. You’re either with us or you’re against us”), and so on. However, the last recorded instance of the use of the phrase by the president that I could find—it has been used many times since by his spokesmen—was on Nov. 12, 2002, in a speech pushing for the Department of Homeland Security at the D.C. Metropolitan Police Operations Center (“you’re either with us or with the enemy”).

⁸ Interview of the President by LNK TV of Lithuania, Nov. 21, 2001, <http://www.whitehouse.gov/news/releases/2002/11/20021121-8.html>

⁹ August 30, 2005 speech at Naval Air Station North Island, San Diego, Calif. <http://www.whitehouse.gov/news/releases/2005/08/20050830-1.html>

Regardless of what you might think of it, all of this is powerful language — from the words of Sabah Salih in *The Economist* to the words of George W. Bush. I've laid it all out here as a roundabout way to define my terms, and to put them in their proper context. When we speak of the Enlightenment, we are making a historical reference not just to something that happened two and three centuries ago in Europe and America, but to a way of thinking and learning and governing that makes us who we are today. Whenever we speak of the ideals of democracy, of the Bill of Rights, of pluralism, we're speaking the language of Enlightenment—of freedom by way of rational, critical thinking, of progress by way of challenging assumptions and never accepting conventions, and of enlightenment by way of always keeping an open mind, always seeking out what we can learn from others, and always being on the look-out for superstition and dogma that litters the way, what I like to call the IEDs or improvised explosive devices that stand in the way of progress. Those IEDs are the “language of absolutes” that our friend Sabah Salih was referring to, that way of “viewing the world only in black and white.”

The language of Enlightenment has been all the rage in the last few years, both in the way we've gone about defining ourselves as a culture, and in the way we've gone about defending our right to fight the war on terror on our terms, but on other people's turfs. What I'd like to propose to you is that there is no connection between the language we're using in defining ourselves, and the reality being imposed at home and abroad. The language itself has become the mask of its very opposite. If you want absolutes, if you want black and white, if you want orthodoxy, look no further than the way American culture politically and legally has been evolving in the last several years. I'm not saying that those orthodoxies don't exist in the Muslim world. They certainly do, in spades. But I'm saying that the Enlightenment ideal is not under attack from outside of our culture. It is under attack from within it. The examples I cited above — Friedman, Huntington, Vines, Bush — are all made in America, out of a context that increasingly fears pluralism and, not surprisingly, has become less and less democratic with every election. The very ideas of rational, critical thinking, of progress by way of challenging assumptions, is being replaced by a faith-based approach in policy-making and a fundamentalist

approach in legal thinking (what some people call originalism) that is diametrically opposed to the ideals of the Enlightenment, and I dare say to the ideals of the Founders.

You all remember the President's second Inaugural address in January.¹⁰ He mentioned the words freedom or liberty or their derivatives no less than fifty times in that 20-minute address. I played a little game the other day. Beginning with George Washington, I wondered how many presidents and how many inaugural addresses it took to add up to 50 uses of those freedom-related words. It took six presidents and ten addresses, and those included two by Washington, one by John Adams, two each by Jefferson, Madison and Monroe, and one by John Quincy Adams. Those were the founders of liberty, by the way, and they didn't find it so necessary to preach it so loudly as our latter day saint and preacher of liberty. You know Shakespeare's line, *he doth protest too much*. What we're seeing here is not a call back to our Enlightenment ideals. What we're seeing is the transformation of freedom from an ideal into a dogma, of America from an example into a condition, even a cudgel. Two very different things. As different as the Roman Republic in its best days, and the Roman Empire as the Caesars brandished it.

Big deal, you might say. All I've done is restate and summarize the obvious of the last few years. I haven't exactly disproved that the trinity of dogma, orthodoxy and the Koran seems bent on devouring the West, nor have I shown how the language of Enlightenment can stand in the way of dogma and orthodoxy at home *or* abroad. But I'd like to give it a try. To do that, I'm going to give you a brief history of Islam in ten and a half minutes. Then I'm going to tell you why the future of Western Civilization depends much less on what happens in Osama bin Laden's playbook and much more on what happens between Antonin Scalia and Stephen Breyer, our two greatest justices of the Supreme Court. And finally by way of synthesis, I'm going to suggest what both eastern and western civilization can learn today from the greatest embodiment of Enlightenment language in action, by which I mean not the Constitution of the United States and not the Koran, but a 200-year-old blog. So buckle up, and get ready to exercise your eyebrows.

¹⁰ See <http://www.whitehouse.gov/news/releases/2005/01/20050120-1.html>

II

First, let me tell you why Islam was Enlightenment before Enlightenment was cool. That's a difficult proposition to throw at you when there are databases and a steady stream of news that point in the opposite direction. We should be honest. Islamdom doesn't have a good reputation these days, and it brings a lot of the trouble on itself. Just last week we heard the story of the Afghan poet, a twenty-five-year-old woman, clobbered to death by her husband, apparently with the consent of her mother.¹¹ The week before that there was the story of the scholar and journalist in Kabul who was sentenced to two years in prison by the Afghan Supreme Court. Why? He'd published articles that suggested that maybe women shouldn't be stoned to death for adultery, and that maybe it is no crime to give up Islam.¹² There's the terrible story of the Muslim woman in Punjab, in India, who was accused of adultery, and whose punishment by a tribal council was to be gang-raped by four men, who also gang-raped her 12-year-old brother.¹³ There are those chronic riots between Muslims and Hindus in India, like the stoning of a train by a Muslim mob in 2002 that left 59 people dead, most of them women and children, and triggered riots across India that killed hundreds.¹⁴ There was the assassination of the Dutch filmmaker Theo van Gogh a year ago, just because he'd made a film critical of Islam.¹⁵ There's all that fascist version of Islam spilling out of Iran since the Iranian Revolution, not least of which the long death sentence against Salman Rushdie over a novel he wrote, and, more recently, the Iranian president's call for the eradication of Israel. There are those nutty clerics in London and Paris who actually preach martyrdom and calls for jihad on the streets of Europe as one way to achieve an Islamic Europe.¹⁶ Then there's the rank anti-Semitism. "Schindler's List" was either

¹¹ "Afghan Poet Nadia Anjuman Beaten to Death," Associated Press/Boston Globe, Nov. 8, 2005

¹² "Jail Term for Afghan Journalist," BBC News, Oct. 23, 2005,

http://news.bbc.co.uk/2/hi/south_asia/4368704.stm

¹³ "Account of Punjab Rape Tells of a Brutal Society," by Ian Fisher, The New York Times, July 17, 2002.

¹⁴ "Religious Riots Loom Over Indian Politics," by Celia Dugger, The New York Times, July 27, 2002.

¹⁵ "Dutch Filmmaker, an Islam Critic, Is Killed," by Marlise Simons, The New York Times, November 3, 2004.

¹⁶ "Militants in Europe Openly Call for Jihad and the Rule of Islam," by Patrick Tyler and Don Van Natta Jr., The New York Times, April 26, 2004, "France Struggles to Curb Extremist Muslim Clerics," by Craig

banned or cut to shreds in Muslim countries, even in my native and supposedly progressive Lebanon.¹⁷ Egypt celebrated Ramadan a few years ago by running a 41-episode mini-series on “The Protocols of the Elders of Zion.” Egyptian TV ran it on Ramadan because most people are home breaking their fast on Ramadan evenings, so it ensured really good ratings.¹⁸ Some of you may remember the gleeful destruction by the Taliban of the beautiful colossal statue of the ancient Buddha in Afghanistan in 2001. The world was outraged. But it’s Saudi Arabian state policy to blow up any shrine, even religious shrines, that distract from the worship of God. They blow up historic sites there all the time. No one raised a peep three years ago when they leveled an 18th century Ottoman fortress in Mecca to make room for a \$1.6 billion five-tower development with hotels, a shopping mall and apartments. (You’d think Florida developers had got their hand on Saudi real estate.) The selling point of the project: A great view of the Kaaba, that cube-shaped stone building where Muslims go for their pilgrimage and daily prayer. And who was one of the main contractors for the project? None other than the BinLaden Group, founded by Osama’s father.¹⁹

I could go on with this list for 41 successive nights of lecturing and still have plenty of mayhem left over for the 40 days of lent. But the point isn’t that Islam is universally and inevitably violent or backward or evil, as preachers of hate and quite a few latter-day crusaders like to tell you.²⁰ The point is that any religion in the wrong hands, beginning of course with our very own Christian creeds, can be violent, backward and evil. But few religions can lay claim to as much beauty of spirit, art, enlightenment, and advancement of the human race as Islam did for the entirety of the Middle Ages, when nothing Europe could hold a candle to Islamic civilization and Enlightenment. I love to hear the French to this day celebrate the famous victory of Charles Martel at Poitiers, in the south of France,

Smith, The New York Times, April 30, 2004, and “Inside a Major London Mosque, Extremism Shows Tenacity,” by Andrew Higgins et. al., The Wall Street Journal, August 15, 2005.

¹⁷ “Islamic Nations Move to Keep Out ‘Schindler’s List,’” by Bernard Weinraub, The New York Times, April 7, 1994.

¹⁸ “Anti-Semitic ‘Elders of Zion’ Gets New Life on Egyptian TV,” by Daniel Wakin, The New York Times, Oct. 26, 2002.

¹⁹ “Saudi Fights to End Demolition Driven by Islamic Dictate,” by Hugh Pope, The Wall Street Journal, August 18, 2004.

²⁰ “Seeing Islam as ‘Evil’ Faith, Evangelicals Seek Converts,” by Laurie Goodstein, The New York Times, May 27, 2003.

in the year 732, which every good young Christian is taught was the great turning point of the Islamic empire's advance on Europe.²¹ The story goes that had the Muslims not been stopped at Poitiers, they'd have taken over all of Europe. That's not quite true. Europe in 732 was a vast wasteland worse than anything you'll see on prime time television today. No civilized empire in its right mind would want it. Muslims were more likely grateful than resentful over their defeat at Poitiers. They packed up, went south a little bit, and from Spain to the Indonesian archipelago, they became for ten centuries the center of the only world that mattered.

Let me give you some examples of Islamic Enlightenment, beginning with the way Islam expanded so rapidly from the Arabian Peninsula. Except for its very beginnings when it was quite violent when it was establishing itself, "It wasn't by force of arms that Islam spread over half the hemisphere, but because of enthusiasm, because of persuasion, and through its conquerors' example over the conquered."²² Those aren't my words but those of Voltaire, the father, the son and the holy ghost of the European Enlightenment. He was no dummy, as you well know. He could spot a trend ten centuries away. I have to say that I agree with his literary criticism of the Koran as an often sublime piece of work made even more respectable by its poetry,²³ but also, like our Bible, as a bagpipe of "contradictions, absurdities and anachronisms spread thick over the book."²⁴ Once again that does not confirm what Islam's detractors like to say about it. It only explains that the place where faith and interpretation meet is always a convention of multiple personality disorders. What was unique about Islam's early and middle period was its great tolerance for people of other faiths. You were never coerced to be a Muslim. You were requested to pay a tribute if you weren't. But you were never persecuted, and you were usually very welcome. Islam was the ruling religion, but it was far from the only religion.

The first great and most famous flowering of this civilization of tolerance and Enlightenment happened, of all places, in Baghdad. The city is mentioned in the Talmud,

²¹ Jacques Bainville, *Histoire de France* (Paris: Arthème Fayard, 1924), pp. 29-30. "Victorious over the 'infidels,' Charles [Martel] was at once national and a Christian hero." (my translation.)

²² Voltaire, *Essai sur les Moeurs* (Garnier), vol. 1, p. 275 (my translation).

²³ *Ibid.*, p. 259.

²⁴ *Ibid.*, p. 271.

but it was founded as we know it today in 762 by Jaffar al-Mansour, who was the reigning caliph at the time and part of the Abassid Caliphate that lasted five hundred years. The factionalism in Islam had become quite destructive in other cities. Mansour wanted a bit of peace. He liked what he saw on the shores of the Tigris and decided to call the place madinat-as-Salaam, “the city of peace,” from a verse in the Koran. The name didn’t stick, one wonders why, and Baghdad it became. Two hundred years later Scheherazade was telling the tales of her famous thousand and one nights.

As the writer Ian Frazier described it recently, Baghdad by then “had become the storied and romantic place it would forever be in popular imagination. Under enlightened, poetry-loving caliphs like Harun al-Rashid, Mansour’s grandson, Baghdad attracted scholars from all the domains of Islam, in keeping with Muhammad’s teaching that educated men are next to the angels and that ‘the scholar’s ink is more sacred than the blood of martyrs.’ Mansour’s prediction that his city would be a crossroads had come true, and wealth accumulated from caravan trade arriving from each of the four directions. Poets who pleased the caliph might have pearls poured upon them; concubines for his harem sold for tens of thousands of gold dirhams. A Chinese method for making paper from flax and hemp appeared in the Middle East at about the time of the city’s founding, and the new technology produced books in quantities impossible before. Almost everybody in ninth-century Baghdad could read and write. While Europe still moiled in its Dark Ages, Baghdad was a city of booksellers, bathhouses, gardens, game parks, libraries. Harun al-Rashid was the first chess-playing caliph; Baghdadis also played checkers and backgammon. Translators took Greek works and rendered them into Arabic, in which they were preserved to be translated into European languages several centuries later.”²⁵ Baghdad in short was the shock and awe of cultural flowering.

We shouldn’t really use that unfortunate phrase lightly. In 1258, an Army of Mongols took up positions outside of Baghdad and laid waste to the city as indiscriminately as if it were Dresden or Hiroshima in 1945. Baghdad never really recovered.

²⁵ “Invaders,” by Ian Frazier, *The New Yorker*, April 25, 2005, p. 31.

It's possible to see the Muslim Enlightenment literally as bookends, in time and geography, with Baghdad in the early period and the reign of Akbar the Great in the 16th and 17th centuries in India. Most of you have heard of Baghdad's great period and its famous Caliphs. I'm willing to bet that only two or three of you have heard of Akbar, who was born in India in 1542 and who died in 1605. So it goes with the civilizations of the Orient: They tend not to register in the West. Akbar's real name was Muhammad, but India would call him Akbar, which is Arabic for... well, The Great. Akbar was to India what Louis XIV was to France, except better. He reigned as a Mogul emperor for half a century the way Louis did, he expanded his empire the way Louis did, he encouraged the arts the way Louis did, but very much unlike Louis and his penchant for chopping the heads of Huguenots, Akbar encouraged religious tolerance. Not just tolerance. He embraced different religions. He lived up to a famous verse in the Koran that speaks for all the potential pluralism in Islam: "There can be no compulsion in religion: Truth stands out clear from error"²⁶ (which is actually a retelling of what Jesus said to his followers: "the truth will make you free.")²⁷ Akbar, in short, practiced what we call today diversity.²⁸

He was a Moslem. He married a Hindu princess. It had a lot to do with policy and strategy. It would help him extend his empire southward. But it was more than politics. Akbar allowed the women in his harem to practice whatever religion they chose, something unheard of before his time. He abolished the poll tax on non-Moslems. He invited Portuguese traders who had landed on Indian shores to send missionaries to his court because he was interested in learning about the Christian religion. He went to listen to the teachings of Christian priests and encouraged them to have debates and arguments with his own Moslem clerics in front of him. It was a form of entertainment, without bloodshed. He even entertained thoughts for the theory of transmigration, which scandalized his Moslem followers, and he appeared in public with Hindu markings on his forehead, which scandalized them even more. Imagine George Bush French-kissing Ted

²⁶ The Koran, 2:256.

²⁷ John, 8:32.

²⁸ The account on Akbar the Great is drawn from Karen Armstrong, *Islam* (Modern Library, 2000), pp. 124-27 and Will Durant, *Our Oriental Heritage* (New York: MFJ Books, 1935), pp. 463-72.

Kennedy in public, the scandal might be similar. To make nice with Jains, that creed whose followers believe it is wrong to harm any animal in any way, he stopped hunting and forbade the killing of animals on certain days. He gave Christian missionaries the freedom to convert anyone they pleased. He ordered the New Testament translated. It's rather telling that he did not order the Old Testament translated. And he created his own Sufi sect in the spirit of pluralism and universalism which he admired most. Akbar in sum was establishing a civilization that would reflect the Sufi ideal of universal peace and universal love that "seeks the material and spiritual welfare of all human beings," and that cultivates "a spirit of such generosity that conflict would become impossible."²⁹ Thomas Friedman is famous for his "Golden Arches Theory of Conflict Prevention," which claims that no two countries with McDonald's franchises would ever go to war against each other.³⁰ Akbar's ideals were a little more elevated.

Remember, this is all happening during the same century when Martin Luther nailed his 95 theses to the door of that church in Wittenberg, and during the same years when Europe descended into its bloodiest age of religious bigotry, warfare and barbarism. It is happening when the Inquisition was murdering Jews in Spain and Catholics and Protestants were murdering each other everywhere else. As a side note, let me remind you that all these beheadings you see taking place in Iraq are not a Moslem or "terrorist" invention. They were the preferred method of Calvinists in sleepy Geneva for adulterous men. Adulterous women were drowned. And adultery was not punished nearly as severely as heresy was anywhere in Europe. And no one has to remind you that the guillotine was a French invention, and that it was considered a progressive and humane way of executing the accused in its day, the way gassing was considered humane in North Carolina until 1998, the way lethal injections and electric chairs are considered humane today.

²⁹ Armstrong, p. 127.

³⁰ "Big Mac I," by Thomas Friedman, The New York Times, Dec. 8, 1996, "A Manifesto for the Fast World," by Thomas Friedman, New York Times Magazine, March 28, 1999, and "This Is a Test," by Thomas Friedman, The New York Times, March 21, 2000.

During the reign of Akbar in India, and specifically in the three decades from 1562 to 1598, Europe was to know nine wars of religion, and that only proved to be a prelude of the massacres and holocausts of the next century. In the words of J.M. Roberts, the big-picture historian, “What followed was the blackest period of Europe’s history for centuries. With a brief lull [as the 17th century opened], European rulers and their people indulged in an orgy of hatred, bigotry, massacre, torture and brutality which has no parallel until the twentieth.”³¹ It’s easy to digress because the roads of religious intolerance are paved with the bones of that occasional oxymoron we know of as western civilization. And those same roads are conveniently forgotten by those who would point to a place like the Middle East or the Balkans and say things like, “Those people have been at each other’s throats for ever.”

Not quite true. Pound for pound, or throat for throat, it is easily the reverse: It is only Europeans who since 1945 have found a way to live with each other peacefully, and even then, as the Balkans show, not always successfully.

The amazing fact of Akbar’s rule is that it happened when it did. He died 27 years before John Locke was born, 15 years before Plymouth Colony was founded, 90 years before Voltaire was born, 171 years before the Declaration of Independence and Thomas Jefferson’s Bill for Religious Freedom in the State of Virginia. So any notion that the Enlightenment was a western invention, or that barbarism is an eastern specialty, is a bit misguided.

But it is also true that everything is not relative. The Middle East today and much of the Islamic world is not a comfortable place to be. As I said before it is often not a defensible place. Much of the Islamic world is a basket case of despotism and tyrannies and bigotries stretching from West Africa to the Eastern stretches of Indonesia, with the Arab world an undiluted concentrate of backwardness. A United Nations report on Arab development noted that the 22 countries that form the Arab world translate about 330 books annually, one fifth of the number that Greece alone translates. The cumulative total

³¹ J.M. Roberts, *History of the World* (Oxford: 1993), p. 480.

of translated books since ninth century Baghdad is about 100,000, almost the average that Spain translates in a single year.³² When I'm not thinking straight there are days when I wish we could do what Ann Coulter said we should do: invade them all, kill all their leaders and convert everyone to Christianity, or at least get them all subscriptions to Direct TV. Of course that's the lock and load strategy that we have actually put in practice, with disastrous results. What that world needs is not just education and foreign aid and Voice of America lessons in democracy. What it needs is a dose of its own past enlightenment. So it's a fair question: If Islam showed not only the potential but the reality of Enlightenment over its history, why not now, and why shouldn't the West be showing the way back to Enlightenment?

Aside from the obvious fact that Enlightenment doesn't spring from the belly of a B-52, because what's going on now in the Islamic world is exactly what should be going on: A great battle, a Reformation if you like, as momentous and violent and consequential as our own reformation was five hundred years ago. Islam is trying to reinvent itself. It is looking for a way out of its morass. The forces of reform and the reactionary forces of fundamentalism are literally at each other's throats, the way Catholics and Protestants, and eventually religion and secularism, were at each other's throats in Europe between the 16th and 18th centuries. Now, I don't mean to sound like the neo-con Orientalist Daniel Pipes, who sees moderates on one side as Muslims supposedly "eager to accept Western ways," and Islamists on the other—"fearful, seeking strong rule, hoping to push the outside world away."³³ First off it's not black and white like that. The camps aren't so neatly divided. Nor is the presumption true that the moderates are looking to adopt western ways. The struggle is within Islam, for a solution *for* Islam, not to please the West or look like the West or get closer to the West. Who will win in Islam is anybody's guess. Probably no one, entirely, because there'll never be one universal *ummah*, or Islamic community, anymore than there'll ever be a universal Utopia. And it's always dangerous to reach for one. Any way you look at it — in Iran, Pakistan, Palestine, Iraq and Lebanon, where you have elections, the moderates are losing big at the moment. But

³² "Arab Human Development Report 2002," United Nations Development Programme, p. 78.

³³ Daniel Pipes, *Militant Islam Reaches America* (Norton, 2002), p. 27.

at the same time it's also true, as the Iranian scholar of Islam Reza Aslan argues in a new book, that "the vast majority of the more than one billion Muslims in the world today readily accept the fundamentals principles of democracy."³⁴ It just isn't American-style democracy that they necessarily want or need.

So as far as the West is concerned, this, I think, is the most important lesson to learn: We are bystanders in this battle within Islam. We are not players. We are not *wanted* as players. We should not so arrogantly pretend to be players, or to think we have the right or the means to be players. How can we even think something like that with 9/11 behind us? Because the 9/11 attacks were not a declaration of war on the West, the way the lock and load warriors like to see them. The attacks were part of that "internal conflict between Muslims," and they made us "an unwary yet complicit casualty of a rivalry that is raging in Islam over who will write the next chapter in its story."³⁵ Let's not play into the hands of the fanatics, or confuse the spectacular with the successful.

The best we can do is what Islam did in its glory period of conquests: show the light by example. Live up to our own Enlightenment ideals. What we are doing instead is the very opposite. By invading, by occupying, by pretending to be bringing the light and the true way, we are reliving for Islam the worst of Islam's experience of the West. Through such things as Abu Ghraib, Guantanamo Bay, the secret prisons around the world called black sites, through the bloody occupation of Iraq and the seemingly endless occupation of Afghanistan, we are only proving to the Islamic world that the secular West is diseased, that the Crusades, the Colonial period and the broken promises of the post-colonial 20th century were not a fluke but a pattern. In Islam's eyes, the West, the secular west especially, doesn't save. It mucks up. And let's be honest. If you're an Arab and you're looking at Baghdad today as the shining example of what democracy can do for you, would you really want it in your streets? I doubt it. This isn't to say that the Islamic world is incapable of democracy, even of a form of secular, enlightened democracy at some point, like Turkey for example, if Turkey ever learns to respect human rights and quit

³⁴ Reza Aslan, *No God but God: The Origins, Evolution and Future of Islam* (Random House, 2005), p. 258.

³⁵ *Ibid.*, p. 248.

beating up on women who wear the veil. But it is to say that the West is incapable of bringing reform to the Islamic world, and that as long as the West insists on doing so, it will be *retarding* the more enlightened movements for reform in the Islamic world. What I'm saying, simply, is that for all his good intentions, and I'm willing to believe that he had good intentions, George W. Bush has been fundamentalist Islam's best friend, and has probably set back the progress of Islamic Enlightenment for many, many, many years. Osama bin Laden might as well pray facing the White House every day, because without this White House playing right into fundamentalist Islam's recruiting drives, Osama might well have been nothing more than a bag of bones attached to a dialysis machine by now, and the tyrannical Arab world might well have been on its way to following in the Steps of the Soviet Union's disintegration at the end of the 1980s. Instead, we have a disintegration of our own to worry about.

III

Now let me throw in the final twist in this saga of East and West. The world of Islam is going through a great reformation. But in some ways, so is the United States. The world of Islam is divided between the forces of modernity and the reaction of fundamentalism. But so is the United States, and I don't mean just because evangelicals are pulling a few political strings. The Islamic world is trying to redefine its identity, with the Koran in the center of the battle. But so is the United States, with the Constitution, which has always been synonymous with American identity, at the heart of the battle—and the Bible trying to make its way back in there. So what we have between East and West are two distinct struggles for identity. They don't have anything to do with each other, in the sense that one did not provoke the other, or vice versa. They're on parallel courses, and we delude ourselves into thinking that either side can affect outcomes in the other.

The irony is that while the president is warning us about this ragtag bunch of Islamic nut cases trying to “destroy our way of life,”³⁶ we're being distracted from a very serious struggle happening right here that *is* changing our way of life.

³⁶ Veterans Day speech at Tobyhanna Army Depot, Pennsylvania, November 11, 2005, <http://www.whitehouse.gov/news/releases/2005/11/20051111-1.html>

The more we talk about doing battle for liberty in the world, the more we are losing it at home by not paying attention to what's happening *at* home. The more we continue to ignore that the country is in the middle of its own identity crisis, the more the forces of reaction and fundamentalism can redefine the political climate their way, not even by stealth, but by using the language of Enlightenment as a Trojan horse: Trust us. We are doing this for freedom's sake. We are "the light of the world," and "whoever follows [us] will never walk in darkness."³⁷ That's a quote from the Gospel according to John of course, but it's also a visual quote from George Bush's campaign ads in 2004, if you remember the famous "Wolves" commercial that warns of "an increasingly dangerous world" and shows a bunch of wolves ready to attack—if you don't vote for the Bush-Cheney ticket.³⁸ Seventy-two years ago Franklin Roosevelt told us that the only thing we have to fear is fear itself. These days we're told the only thing we have to fear is safety. The state of fear is our friend. Perpetual war is our condition in whose name anything goes. And all the while, freedom is being redefined as an instrument of state rather than an individual pursuit guaranteed by state protection.

That sounds strangely familiar. The fundamentalists and the reactionaries in the Islamic world, are looking to impose a regressive, power-centered society of control and submission. But what the reactionaries are doing in the United States isn't ideologically that different. A lot of things stand in their way. Our traditions and institutions are firmly planted on Enlightenment principles, but there's a growing distance between principle and reality, because what the reactionaries are doing to this country is beginning to have more in common with something Hobbes or Mussolini might have devised than what Thomas Jefferson or even that famous monarchist Hamilton did devise. Our Enlightenment ideals are under siege, and we'd better be paying attention.

Of course all this sounds alarmist. But as they say on CSI, evidence doesn't lie. We love to say that we're a free people. But what does the word *freedom* even mean anymore? If

³⁷ John, 8:12.

³⁸ Released Oct. 22, 2004, see FactChec.org analysis, <http://www.factcheck.org/article291.html>

by freedom we mean the freedom to make money, shop, consume, waste, elect Hollywood actors to public office, consume, worship celebrities, revel unassailed in the delights of ignorance or the convictions of unexamined faith and consume some more, then we have freedom aplenty. But every democracy enjoys those brands of freedom. So do most non-democracies. If by freedom we mean the freedom to think, to challenge assumptions, to dissent and admire dissenters, to buck the majority, to champion the minority and to go where no gray cells—or even stem cells—have dared go before, then we have a problem. We're not as free as we think we are. On that score, we're more like subjects to the tyranny of the mainstream. Still, that's also not unique to the United States. It's a by-product of democracy. Most of us are willing to live with it because the alternative would be much worse.

Where it gets a little creepier is in the kind of submissive, unquestioning relationship we're developing as a people toward the notion of law and order, the fetish of security, and the tyranny of the appropriate in every aspect of our lives. It isn't just the government policing us, although government and the courts since the early 80s have certainly facilitated this war on privacy. It's our schools, our universities, our homeowner associations, our insurance carriers, and above all, our places of work. The reach and extent of the authoritarian response disguised as a war on terror since 2001 is unparalleled. But it would have been impossible had the groundwork not been laid out for many years before 2001. Forget the USA Patriot Act. That's become a cliché of repression, when in reality it should be the least of our worries. It's the more every-day laws and moral codes and rules of behavior we should be worried about, and how easily we have been submitting to them. We now routinely agree to be fingerprinted at work and pee in a cup to be drug-tested. We sign oaths that we'll not smoke even in our private lives.³⁹ We promise that we won't behave in any way that may speak negatively of the company we work for, in or out of work, and God forbid if we write a personal online diary that our company or our school might find *inappropriate*. We agree to be spied on by our employer, who has the right to read our email, listen in on our phone

39 See "Workers fume as firms ban smoking at home : Michigan firm prohibits cigarette use, even off the job, angering privacy advocates," By Marisa Schultz, Amy Lee and Eric Lacy, The Detroit News, Jan. 27, 2005.

conversations, check into our credit reports and personal finances. We agree to be spied on in public venues, where cameras are springing up at every corner, on ATM machines, on school buses, at toll booths. We agree to have our names and personal histories of all sorts be part of commercial and police databases that get accessed and sold and transferred all the time without our knowledge. We even agree to be personally identified when we enter gated communities. A couple of them right here in Volusia County have begun asking you for your papers as you drive in. I agree that none of these things in and of themselves are that terrible, and in some rare instances they may even be necessary. Listing them here makes me sound like a conspiracy theorist who sees black helicopters flying everywhere. But it's not the single instances we should be worried about. We should be worried about the slow accumulation of retreats of personal liberties and independence, the pile-on effect that numbs us to losses of much greater circumstances, and to an authoritarian mentality we no longer even recognize as threatening.

Because if we're so timid and submissive in our private lives, it's no wonder we've completely surrendered and even encouraged the authoritarian impulse in the public sphere. How many of you even knew that in the aftermath of the 9/11 attacks 130,000 *male* immigrants and visitors, most of them Muslim, were singled out for questioning, and some of them detained, in immigration offices, airports and border crossings, and all of them required to register with the police on entering the country, then again 30 days later?⁴⁰ How many of you know that police can now not only tap your phone and internet without your knowledge, but they can search your house or your office without your knowledge, track your financial activity, even find out what you've been buying on Amazon.com. How many of you know that the FBI is requiring every university and college in the country to rewire its computer networks, at a cost of more than \$7 billion, which you'll see in your tuition bills, in order to make it easier for police to tap into Internet and wireless communications? This is what's happening to freedom in the law-abiding world. This is what our courts endorse daily in our freedom-loving society.

⁴⁰ "Fearful, Angry or Confused, Muslim Immigrants Register," by Rachel Swarns and Christopher Drew, The New York Times, April 25, 2003.

So imagine what our courts endorse when you transgress into the world of suspects and criminality, or merely rule-breaking. This is where our zero-tolerance laws speak the language of absolutes, and where the language of Enlightenment might as well be chilling out in Siberia. How is it that we have come to have the most draconian criminal laws known to western civilization, for adults *and* children. On October 12 Human Rights Watch and Amnesty International issued a report looking at juvenile criminals serving life sentences around the world, that is, people serving life sentences for crimes they committed before when they were children. They found seven such individuals in Israel, four in South Africa, and one in Tanzania. And in the United States? 9,700 serving life sentences, with 2,200 of them serving life without parole. This is kids we're talking about. More than 350 of those were 15 or younger when they committed their crimes.⁴¹ Dostoevsky said that "the degree of civilization in a society can be judged by entering its prisons." If so, our civilization is in trouble. We have the most punishing and inhumane and overpopulated prisons in the West. The New York Times a week ago had a horrible story about the one million Africans wasting away in prisons and jails, some of them in conditions you wouldn't wish even on terrorists. But the remarkable thing about that story was what was left unsaid. The entire continent of Africa counts 1 million prisoners out of a total population of 900 million. The United States hasn't yet reached the 300 million mark, yet we have more than 2 million people in prisons and jails, the highest rate in the world, although we're in good company: the next highest is Russia and three of its former republics.⁴² At this rate we'll be in another great company in a few years: At its height, the Soviet Gulag's population peaked at 2.7 million, in 1953.⁴³ That was the year Stalin died. It was also the year Arthur Miller's *Crucible* opened on Broadway, which as you well know was based on the witch trials in Salem and served as an allegory of the Red Scare and that menace so lovingly referred to as the national security state.

The National Security State has never been stronger. Today it even has a home: the Department of Homeland Security. It's the second biggest agency in government. But

⁴¹ "Locked Away Forever After Crimes as Teenagers," by Adam Liptak, The New York Times, October 3, 2005.

⁴² See "World Prison Population List," UK Home Office government publication, 2003, <http://www.homeoffice.gov.uk/rds/pdfs2/r188.pdf>

⁴³ Anne Applebaum, *Gulag: A History* (Doubleday, 2003), p. 581.

unlike any other agency, everything there happens in secret. It is not subject to the Freedom of Information Act. It is Kafka's castle, right here in the United States. But we submissively salute it, because we admire and submit to anything that has the word "security" in its title. Any way you look at it, none of this is compatible with freedom, even if it's all happening in the name of protecting freedom, because you see there's no accountability anywhere. We are being asked to trust, but not verify. Through all this, the United States is deliberately aping the language and manners of a police state. The degrees may be debatable. The fact no longer is. If I were an Arab on the receiving end of America's democracy exports, I'd be asking myself: Is this really what I want? Of course I *am* an ex-Arab, and I *have* benefited hugely from American democracy right here, but I'm worried about how different this place looks today from the way it looked in 1979, when I first got here. Yes, Jimmy Carter was president and the country was a mess. It's way, way more ordered now. And that's just what worries me. You knew in 1979 that whatever mess we were in was one of those temporary adjustments from the growing pains of Vietnam and the 1960s. The economy was lousy, but democracy was not in question. It's the reverse today. The economy is statistically very strong. Democracy isn't. It's weakening, and I think it will weaken further if that battle for American identity I've been talking about goes one way instead of the other. The Enlightenment as we knew it hangs in the balance, and it doesn't look good.

There is a very specific reason, I think, why we are where we are. Put simply, we are replacing the notion of an enlightened, progressive society with the notion of a defensive, reactionary society.

If you look at the United States Supreme Court, you can actually see that battle like a spectator at ringside. In one corner, you have Justice Antonin Scalia, believer in God, the death penalty and originalism, in that order. In another corner, you have Justice Stephen Breyer, advocate of what he calls "the Living Constitution," or "Active Liberty,"⁴⁴ which is actually the name of the book he's just written to define what he means, and to answer

⁴⁴ Stephen Breyer, *Active Liberty: Interpreting Our Democratic Constitution* (Knopf, 2005).

the book Scalia published a few years ago to mark *his* territory.⁴⁵ Breyer believes that the Framers didn't write the Constitution as a static document to reflect their time only. They wrote it generally enough to apply universally in the service of two pragmatic goals: To protect liberty and to expand democracy and the ability of people to participate in democracy. "They wrote a Constitution that begins with the words, 'We the People.' The words are not 'we the people of 1787.'"⁴⁶ Scalia would disagree totally about the idea that the Constitution was an engine of democratic nation-building. He believes in the fundamentalist principle that what words say is what they meant *at the time when they were written*. "The text is the law, and it is the text that must be observed."⁴⁷ Breyer wants the Constitution to reflect the world of 2005. Scalia wants the Constitution to stick to the meanings of 1787. Scalia thinks Breyer's approach is blasphemous. He calls it "dice-loading,"⁴⁸ or smuggling new rights that aren't in the original text.⁴⁹ Breyer thinks Scalia's approach is "wooden," or that it operates "in a vacuum," whereas "in the real world, institutions and methods of interpretation must be [...] capable of translating the people's will into sound policies."⁵⁰ So who's right? What you have here is not a failure to communicate. What you have are two radically different views of the purpose of both democracy and the Constitution.

Breyer believes in the Enlightenment's principle of progress. He thinks human beings are perfectible, and democracy, guided by the Constitution, is that road to progress. Do we want to be a progressive society or do we not? For Breyer, the language of the constitution answers the question in a big, enlightened Yes. Justice Breyer would agree with Chief Justice Earl Warren, who said in a 1958 opinion that the Eighth Amendment ban on cruel and unusual punishments "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society."⁵¹ Breyer would interpret the entire Constitution according to those standards, and he's not afraid to look

⁴⁵ Antonin Scalia, *A Matter of Interpretation: Federal Courts and the Law* (Princeton, 1997).

⁴⁶ Breyer, p. 25.

⁴⁷ Scalia, p. 22.

⁴⁸ *Ibid.*, p. 28

⁴⁹ *Ibid.*, p. 39.

⁵⁰ Breyer, p. 16.

⁵¹ *Trop v. Dulles*, 356 U.S. 86 (1958), 101.

abroad for ideas about who's maturing more brightly.⁵² Scalia is radically opposed to that view. "I detest that phrase," he said this year about the Earl Warren opinion. "I'm afraid that societies don't always mature. Sometimes they rot."⁵³ So if the notion of progress is not written into the Constitution, he doesn't want to hear about it. In Scalia's view, the question of whether we want to be a progressive society is itself unconstitutional. If the death penalty was allowed in the eighteenth century, it should be allowed now. If it was allowed for juveniles and for mentally retarded people, and it was, it should be allowed now, because the framers couldn't possibly have had capital punishment in mind when they proscribed "cruel and unusual" punishment.⁵⁴ If you follow that sort of thinking, then if Florida wants to bring back branding and mutilation and banishment of criminals, it should be OK because it was common in the late 18th century.⁵⁵ But what am I saying? We essentially have branding and banishment now the way we treat sexual offenders, who are being literally banned from living in certain cities and publicly branded on the Internet and on school walls. In 1779 Thomas Jefferson, proposed to eliminate the death penalty altogether except for treason and murder. It was being meted out for rape and sodomy at the time. For those, Jefferson proposed castration instead. And "for a woman who committed sodomy, he suggested drilling a hole at least one half inch in diameter through the cartilage of her nose," and for people who maimed or disfigured someone, he proposed maiming them and disfiguring them in kind.⁵⁶ This is Thomas Jefferson, who *was* the Enlightenment in America. So if he didn't think that sort of barbarism wasn't cruel or unusual back then, does that mean it's OK now? Scalia puts it this way: Maybe it's not OK. But the Constitution does not ban it. *Orthodoxy. Dogma. Constitution.*

This is not theory we're dealing with, but an interpretation of law that has direct bearing on our day to day lives. And it is an interpretation of law that the president loves, and that his new appointee and nominee to the court also love, potentially even more aridly than Scalia does. The president has three years to go, and very possibly one or two more appointments to the court, this time from the so-called liberal wing. John Paul Stevens is

⁵² "The High Court Looks Abroad," by Charles Lane, The Washington Post, November 12, 2005.

⁵³ "Scalia, Breyer, High Court Opposites," by Jess Bravin, The Wall Street Journal, July 5, 2005.

⁵⁴ "The Scalia Court," by Margaret Talbot, The New Yorker, March 28, 2005.

⁵⁵ Lawrence Friedman, *Crime and Punishment in American History* (Basic Books, 1993), p. 40

⁵⁶ *Ibid.*, p. 73.

85. Ruth Bader Ginsburg is 72. Last year an editorial writer at The New York Times imagined America “if George Bush chose the Supreme Court.” Here’s the picture he came up with: “Abortion might be a crime in most states. Gay people could be thrown in prison for having sex in their homes. States might be free to become mini-theocracies, endorsing Christianity and using tax money to help spread the gospel. The Constitution might no longer protect inmates from being brutalized by prison guards. Family and medical leave and environmental protections could disappear.”⁵⁷

But it’s not all a matter of if. What I tried to show earlier is that the groundwork for this rollback has already been laid. By appointing justices in his rather fundamentalist image, the president is only fulfilling scriptures as he understands them. That explains, I think, why we are becoming a harsher, meaner, nastier society than we ought to be, and why we’re not exactly in a position to be preaching democracy and Enlightenment to the rest of the world right now.

The parallel is striking. As Islam began its decline several centuries ago the clerics in Islamic law had the very same debates. They had something called “the gates of *ijtihad*,” which is the Arabic word for “independent reasoning.” It was the notion of applying Islamic law to contemporary circumstances. Beginning in the 14th century, Sunni clerics declared the “gates of *ijntihad*” closed. Scholars and jurists from then on were to rely only on the original meaning of the Koran, and the legal reasonings of the original clerics closest to the prophet Muhammad. Where some forms of Sufism believed that all religions were valid, by the 14th century the hard-liners in Islam were “transforming the pluralism of the Koran into a hard communalism, which saw other traditions as irrelevant relics of the past.”⁵⁸ That’s when foreigners became suspect, Islam closed ranks, and decline began.

Word for word, that form of originalism is the Scalia philosophy, and it is gaining ground not only on the Supreme Court, but in the unilateralist attitude of the United States as a

⁵⁷ “Imagining America if George Bush Chose the Supreme Court,” by Adam Cohen, The New York Times, October 18, 2004.

⁵⁸ Armstrong, p. 103.

whole. While Islam is trying to break away from that rigidity, which has served it so poorly for several centuries, we are embracing it. While Islam is trying to reclaim the values and ideals of the Enlightenment on its own terms, we seem to be abandoning those values and closing our own gates of *ijtihad*. While Islam is paying the price of fundamentalism and suffering to get away from it, we elect it and put our trust in it. Two separate worlds, two separate battles. But how ironic that what they both have in common is the language of Enlightenment: They long to speak it again over there, even if they have a very long way to go, while it's becoming more and more of a foreign language over here.

IV

I think I've depressed you. But by way of closing I'd like to tell you what I had in mind when I mentioned that 200 year old blog at the beginning of this talk. I was referring of course to the journals of Lewis and Clark. What on earth could any of this have *anything* to do with Lewis and Clark? Actually, plenty. The Declaration of Independence, the Constitution, the Federalist papers are the language of Enlightenment in theory. The Journals of Lewis and Clark are the Enlightenment in practice. They are what Justice Breyer means when he talks about the purpose and pragmatism of discovery: We're not here to theorize. We're here to live and make life better for the greatest number possible. The paradox of Jefferson's Louisiana Purchase is that it was one of the most unconstitutional acts in American history, and yet one of the greatest acts of democratization in world history. The language of the journals, written by two people who couldn't spell, didn't know their grammar and had to invent a good many words to describe what they saw, is one of the beauties of this work. It reflects the American spirit of invention and improvisation and synthesis at its best, just like the expedition itself, which as you know went over unknown terrain in the face of untold dangers and incredible odds for more than two years, with the loss of just one life, and even that one was only due to a ruptured appendix.⁵⁹ The expedition was both humble and arrogant. It assumed that it would succeed but could not have succeeded without accepting and

⁵⁹ Bernard DeVoto, ed., *The Journals of Lewis and Clark* (Houghton Mifflin, 1953), p. liii.

learning from many failures along the way. It imposed the edicts of “the great white father” on Native Indians it met along the way and made plenty of false promises to what Clark called the “faithful red children,”⁶⁰ but it could not have made it without the help of several Indian tribes, most famously the language skills of Sacagawea, and it did not exactly judge so much as catalogue that unmelted pot of cultures and environments that was the American continent before the culture of sprawl took over.

I’m romanticizing a little bit to be sure. But there’s a direct line between the idea of American discovery and liberty as it was defined by the Lewis and Clark expedition, down to the very language of the journals themselves, and the way the great Judge Learned Hand once defined the spirit of liberty as “the spirit which is not too sure that it is right.”⁶¹ We all remember the time when many parts of the world looked up the United States in order to touch that spirit of liberty the way it existed here in language and in actual fact. Learned Hand, by the way, spoke those words at one of those annual I Am an American Day rallies in Central Park, in May 1944, where 150,000 newly naturalized citizens were to swear their oath of allegiance. The immigrants are still coming. But not too many places look up to the United States anymore. It doesn’t look like the American spirit is in discovery mode anymore, in learning mode. It’s in imposition mode, in imperial mode. We’ve lost that spirit of liberty which is not too sure that it is right, and replaced it with a dogma of liberty and self-righteous certainties. Maybe that’ll help us win a few wars: The war on terror, the war in Iraq, maybe even the war on drugs and the war on the poor. But those aren’t wars worth winning if we’re destroying the meaning of America along the way.

—*Pierre Tristram*

⁶⁰ *Ibid.*, p. 459.

⁶¹ Learned Hand cited in Gerald Gunther, *Learned Hand: The Man and the Judge* (Harvard, 1994), p. 549.