

**Martha C. Nussbaum**

*The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age.*

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Martha Nussbaum's *The New Religious Intolerance* is about fear, about misguided fear that provokes religious prejudice and hatred. It is about irrational fear, the type that does not respond to evidence. It is about narcissistic fear, the type that is so self-centered that it fails to recognize the needs of others. In her words, "Fear is a 'dimming preoccupation': an intense focus on the self that casts others into darkness. However valuable and indeed essential it is in a genuinely dangerous world, it is itself one of life's great dangers" (58). Although she does not use the term, what she is talking about is xenophobia, and she offers three solutions: (1) good principles, (2) consistency, and (3) sympathetic imagination.

In her exploration of good first principles in chapter three, she argues that principles are necessary to guide us through the mire of fear. This starts with the principle of human dignity, which says that all people have equal worth, and she adds to this the idea of the vulnerability of conscience. As she explains, conscience is the human faculty most closely associated with human dignity, and it is vulnerable to external conditions, meaning that it can be coerced, oppressed, and manipulated. In order to uphold human dignity, we must affirm a principle of respect for conscience, giving room for people to follow their conscience in both mind and action. This is called "the liberty of conscience." She explains how there are two different approaches to applying these principles: the neutrality and accommodation approaches. The neutrality approach is attributed to John Locke, and it means that government should be neutral with regards to religion. In other words, if a particular practice is allowed in the public sphere, then it should also be allowed in a religious setting. If a particular practice is not allowed in public, then it may be prohibited in religion, too. The accommodation approach is attributed to the Puritan Roger Williams, and it means that government should accommodate religious beliefs and practices even if this means that religions are exempt from generally applicable laws. Nussbaum prefers the accommodation approach (87).

In chapter four, Nussbaum explores the need for consistency. She claims that inconsistency is the "deepest and most basic ethical failing of all, the failure to acknowledge the equal reality of others" (102). What she means is that it is a common human failing to criticize others for something from which we exempt ourselves. Nussbaum refers to the plank-in-your-own-eye passage in the Gospel of Matthew, and she appeals to Plato and Immanuel Kant for support. She shows how five arguments in support of banning the *burqa* suffer from this inconsistency. First, there is the argument about security that says that the *burqa* should be banned because security requires seeing faces in public; however, she notes, that people are allowed to cover their faces for other reasons such as surgery, football, and winter weather. Second, there is the argument about transparency and civic friendship that says it is essential for proper relationships that faces be viewable; however, she says, that there are many occasions in life in which people cover their faces, even their eyes, without issue, for example, wearing sunglasses. Third, there is the argument about objectification that says that *burqas* represent the objectification of women; however, society permits other forms of objectification such as pornography and even then it is debatable whether it is harmful

objectification. Fourth, there is the argument about coercion that says that women are coerced into wearing it; however, even if this were true, society tolerates a certain level of non-physical coercion, especially in family life. Finally, there is the argument about health that says that wearing such a covering is hot and uncomfortable; however, society allows women to wear other unhealthy clothing such as high heels and clothing that allows too much exposure to the sun.

Chapter five explores Nussbaum's third solution to fear: sympathetic imagination. As she describes it, "The empathetic imagination moves in a direction opposite to that of fear. In fear, a person's attention contracts, focusing intently on her own safety, and (perhaps) that of a small circle of loved ones. In empathy the mind moves outward, occupying many different positions outside the self" (146). She says that this imagination can be cultivated through literature that helps readers see life from the perspective of others, especially of those who are not part of the social majority. She uses the examples of novels like Ellison's *Invisible Man* and Eliot's *Daniel Deronda*.

In chapter six, Nussbaum applies her solutions to the issue of the Park51 project, the ground zero mosque. In 2009, plans were announced to build a mosque or community center just a couple of blocks from ground zero. Opposition to the plan quickly emerged from certain conservative circles, and a national debate ensued, engaging prominent figures on both sides such as New York mayor Michael Bloomberg (for) and Sarah Palin (against). Nussbaum analyzes the issue into two questions: (1) the question of constitutionality and (2) the question of wisdom. The first question regards whether the First Amendment protects the right to build a mosque near ground zero, and the second regards whether it is wise to do so. When she applies her analysis of the liberty of conscience to this issue, she remarks that the answer is pretty straightforward: on either Lockean neutrality or accommodation, Muslims have a right to build it. When she applies her concept of consistency to the issue, she complains that mosque opponents have been quick to draw connections between Al Qaeda and all Muslims when they would not make similar connections between Ku Klux Klan terrorism and all Christians. When she applies her concept of sympathetic imagination, she finds that opponents would benefit from spending some time getting to know Muslims by visiting their mosques or reading about them in books. On the other hand, she comments that the mosque developers could have done some imagining themselves, anticipating the likely reactions to some of their early announcements.

There is not much to criticize in *The New Religious Intolerance*, but maybe some questions can be raised by examining a case that only receives brief mention in her book: snake-handling churches. These churches are located in the Appalachian region of the United States and instruct their followers to obey the commands found in the Gospel of Mark 16:17-18, which says that believers will handle venomous serpents and drink poison without harm. Nussbaum does not take a clear position, but she seems to endorse the legal judgments that have found such practices a threat to public safety. However, if we apply her three solutions to the case, we might come to a different conclusion. First, Lockean neutrality would seem to protect these churches. Handling dangerous wildlife is permitted in nonreligious settings, from wildlife shows like alligator wrestling in Florida to rattlesnake conventions in Texas. Even in states that have laws against handling snakes in churches, it is not illegal for zoos and wildlife centers to handle them. Of course, zoos must be certified or licensed, but it is unclear why a similar process could not be followed to certify churches. Second, consistency is an issue in this case. People and courts may talk about public safety, but compared to other risky practices, snake handling is relatively safe. For example, owning firearms – another constitutional right – results in many more deaths per year than snake bites in churches and

in the wild combined. Third, people seem to lack a sympathetic imagination when it comes to understanding snake handlers. Perhaps this is due to the fact that snake handlers have been out of the public eye in hard-to-reach places, probably due to worries about the government shutting them down. For this reason, few people, even in Appalachia, actually know someone who handles snakes, and snake handlers have become stereotyped as primitive and wild. However, the new National Geographic documentary, *Snake Salvation*, which aired in 2013, challenges this perception, giving the outside world an inside look at these churches and the people who worship there. It turns out that these people are not much different from other charismatic believers, except that they pick up snakes and drink strychnine. Fear is a “dimming preoccupation,” as Nussbaum says, and it is quite plausible that the laws against snake-handling churches are simply the product of fear. Snakes are scary, and who wants to live next to a church that contains fifty rattlesnakes in boxes? However, as Nussbaum shows in this book, fear alone is not a justification for restricting someone’s religious liberty.

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