

CULTURE, RELIGION AND NATIONAL IDENTITY IN A POSTMODERN WORLD

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Abstract: Postmodern skepticism concerning the coherence of ideas like culture, religion, and national identity, and the assumption that such ideas gain currency by power not persuasion, yields two insights: Ideas like these are characterized by irreducible pluralism and persistent controversy, and are liable to arbitrary domination by governments and others. Such conditions invite human rights protections, particularly those associated with “freedom of religion or belief.” The widespread effects of “pathological nationalism” show why.

Keywords: Religion and politics, International Relations, Political Science, Religious Freedom.

Resumen: El escepticismo postmoderno sobre la racionalidad y coherencia de conceptos e ideas relacionadas con la cultura, la religión o la identidad nacional, así como la presunción comúnmente admitida de que esas ideas se abren paso habitualmente por la fuerza y no por la pacífica persuasión, lleva a formular dos tesis: esas ideas están sometidas a un irreducible pluralismo y a una persistente controversia, de forma que pueden ser fácilmente controladas por el poder político y por otras formas de poder. Y este posible control exige una mayor protección de los derechos humanos, particularmente los asociados a la libertad de religión o creencias. Los difundidos efectos del nacionalismo patológico son una buena prueba de esto.

Palabras clave: Ciencia política. Ideologías. Libertad religiosa.

INTRODUCTION

To invoke the term, “postmodern,” as I do in the title, is bound to raise questions. Since being postmodern is to assume a skeptical attitude toward the coherence of all ideologies, theories, and general concepts—is to go around “problematizing” everything and “essentializing” nothing, as they say, the best we can hope for, apparently, is to understand what a “Postmodern World” is

not. If we wish to rebuild as well as break apart, revive as well as dissect, it is not clear how far postmodernism will get us.¹

However, there is a more serious problem. Richard Wolin, author of *The Seduction of Unreason: The Intellectual Romance with Fascism from Nietzsche to Postmodernism* lays down the following startling claim: “In academic quarters, postmodernism has been nourished by the doctrines of Friedrich Nietzsche, Martin Heidegger, Maurice Blanchot, and Paul de Man—all of whom either prefigured or succumbed to the proverbial intellectual ‘fascination with fascism.’”² Wolin’s thesis and evidence concerning the links between postmodernism and fascism, especially in regard to Jacques Derrida and Michel Foucault, are no doubt controversial and subject to review. Nevertheless, Wolin mounts a strong case for a close connection on the part of central figures, like Heidegger and Hans-Georg Gadamer, and for concluding that even individuals like Derrida and Foucault shared, to a disturbing degree, the deep anti-liberal bias characteristic of fascist thinking. Wolin’s book ought to cause considerable discomfort within the postmodern movement.

Still, there is one point at which postmodern thought has, by implication, made an illuminating contribution, and one that, *within limits*, bears constructively on our topic. That has to do with a way of examining three other ideas referred to in our title, “culture,” “religion,” and “national identity.”³ As we said, postmodernism is congenitally suspicious of unified theories and “master narratives,” and has the same attitude toward general ideas. In face of such things, the first instinct of a postmodernist is to “deconstruct” them into their subparts, which, it is believed, are typically in conflict with each other. For postmodernists, the main problem with unified theories, ideologies, and general ideas is that they cover a multitude of tensions and contradictions, all of

¹ We should not forget the additional problem of the notorious incomprehensibility of much postmodern prose, well captured by this irreverent query: What happens when you are addressed by a Mafia member in league with a postmodernist? Answer: You are made an offer you can’t understand.

² (Princeton: University Press, 2004), p. xii

³ Further following the lead of postmodernists (up to a point, at least), we are concerned in this essay with the connection of “culture,” “religion” and “national identity.” As Wolin points out, postmodern thought is deeply influenced by the thought of J.G. Herder, who stressed the importance of the *national setting* of cultural and religious life (the critical role of *das Volk*), as over against the cosmopolitanism of the Enlightenment (*ibid.*, pp. 113-118.). One need not agree entirely with this interpretation (as I do not) to accept the contemporary salience of the idea of nation as an appropriate context for starting the analysis of culture and religion. Accordingly, by “culture” we shall mean “a set of shared understandings and ideals taken to describe what a given nation is and ought to be.” (We need not provide a specific definition of “religion” since, following human rights practice, we shall be interested in *all* conscientiously-held beliefs, religious or not, and their bearing on the formation of national culture. See fn. 5, below.)

which are obscured when they are thought of as smoothly coordinated parts of a harmonious whole. Indeed, following Nietzsche, the belief is that any alleged “order,” “harmony,” or “unity” is in reality the product of power and domination, not a display of intrinsic rational or moral coherence. As Nietzsche once said, epitomizing postmodern thought (if that is possible!), the dominant language of any given nation is nothing more than a dialect backed by an army.

Postmodernism, then, contributes two important ways of thinking about culture and religion, including how these ideas interact with each other in a national context. Following postmodernists, we ought, first, to conceive of these ideas *not as something orderly, unitary and stable, but rather as a congeries of differing and often conflicting perspectives and attitudes that are constantly being contested and challenged*. As someone has said, culture is not a thing, but a process. It is not fixed and settled once and for all, but is always in flux. The same is true of religion, and of its impact upon the formation of culture and national identity.

Second, we ought to appreciate *the role of power and domination* in what gets established as a “prevailing culture,” including the place of religion, of any nation. Though, as I shall argue, postmodernists go much too far on this point, their emphasis on the influence of governments and allied groups in favoring and imposing one system of national cultural and religious values and suppressing and restricting others is quite important. Governments and allied groups are undoubtedly instrumental in all nations, to a greater or lesser degree, in sponsoring one set of religious and cultural beliefs over others. They thereby determine, too often by arbitrary and injurious methods, what does and does not get counted at any given time and place as the official culture (and religion) of a particular society.

But however insightful all this is, postmodernists tend to lose control of the analysis by over-generalizing it. They cannot bring themselves to admit that there are better and worse ways of dealing with the temptation of governments and allied groups to dictate what is and is not acceptable. For example, postmodernists are inclined, as we hinted above, to be particularly suspicious of “liberal discourse,” including human rights rhetoric, as an effective way of restraining arbitrary governmental power. As Wolin points out, postmodern philosophy considers the language of human rights to be a “discourse of pseudo-emancipation” that invariably conceals sinister forms of power and domination.⁴

⁴ Ibid., p. 22. For an expression of this skeptical postmodern attitude toward human rights language, see Talal Assad, *Formations of the Secular: Christianity, Islam, and Modernity* (Stanford: University Press, 2003), esp. ch. 4. Assad concludes that international human rights are little more than biased instruments in the service of the existing nation-state system. They are, he says, “float-

In contrast, my view is that it is precisely in face of the two valid points postmodernists make about the shaping of culture, religion, and national identity—1) irreducible pluralism and persistent controversy, and 2) liability to arbitrary domination by governments and allied groups—that makes clear exactly why we need the system of human rights protections, including special protection of religious freedom, or, more precisely, of “conscience, religion, and belief,” in the language of the human rights documents.

In summary, my thesis is this: *If the character of religion, culture, and national identity is as plastic, variable, and contested as postmodernists say it is, and, likewise, if beliefs about culture, religion and national identity are as liable to arbitrary domination as they suggest, then it will be urgently important to find protection against discrimination and repression for the widely different and often conflicting opinions concerning these subjects present in all nations, whether American, French, Turkish, Japanese, or any other. And that is exactly where human rights protections come in. This is particularly true of the special safeguards for “religious freedom,” which are best referred to as “belief rights.”*⁵

Since the claim about the special validity of the human rights system in confronting the realities of culture, religion, and national identity is what distinguishes the above thesis from postmodern thought, a defense of that claim is obviously required. It will be necessary to support the conviction that it is especially the human rights protections of “religion or beliefs,” including those that inevitably challenge and seek to revise prevailing views of culture, religion and national identity. The critical assumption is that these protections, which provide outside constraints and limits on *all* national cultures, are themselves *not* discreditable or dispensable, as postmodernists seem to think they are.

ing signifiers that can be attached to or detached from various subjects and classes constituted by the market principle and by the most powerful nation-states” (p. 158). I have provided a lengthy critique of Asad’s views in my forthcoming essay: “Religion, Human Rights, and Secularism: Preliminary Clarifications and Some Islamic, Jewish, and Christian Responses.”

⁵ I have coined this term as the most satisfactory way of expressing the broad interpretation of “religious freedom” provided by the Human Rights Committee in its authoritative commentary on Article 18 of the International Covenant on Civil and Political Rights. On this interpretation, all conscientiously-held beliefs, whether “theistic, nontheistic, [or] atheistic,” are included under the protection of Article 18, which states: “Everyone shall have a right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of [one’s] choice.” See Tad Stahnke and J. Paul Martin, eds., *Religion and Human Rights: Basic Documents* (Center for the Study of Human Rights, Columbia University, 1998), para. 2, p. 92. The term, “religious rights,” which is often used, seems to me to be too restrictive and improperly to favor religion. On my understanding, “belief rights” would include all *conscientiously-held* religious and nonreligious beliefs, placing them on an equal footing. See Little, “Studying ‘Religious Human Rights’: Methodological Foundations,” in Johan D. van der Vyver and John Witte, Jr., eds., *Religious Human Rights in Global Perspective: Legal Perspectives* (The Hague: Martinus Nijhoff Publishers, 1996), pp. 45-77, and esp. fn.12, p. 50.

A DEFENSE OF BELIEF RIGHTS⁶

All nations who are party to international human rights instruments, such as the International Covenant on Civil and Political Rights, and who are consequently obligated to promote human rights around the world, have three reasons to be urgently concerned about violations of belief rights, all related to the excesses of what we may call, “pathological nationalism.”

First, the whole edifice of human rights standards is based on the need to protect individuals against collective domination and the unlimited opportunity for arbitrary abuse that follows from it. Universal recognition of that fact constituted the fundamental lesson drawn after World War II from the effects of fascist pathology, whose root is the absolute subjection of the individual to the will of the nation. As Hitler put it, “National Socialism takes as the starting point...neither the individual nor humanity... [but] *das Volk*... [,and] desires to safeguard [it], even at the expense of the individual.”⁷ Revulsion against such views gave rise to the human rights revolution, which contributed to what Mary Ann Glendon calls, “A World Made New,” as in the title of her book on the drafting of the Universal Declaration of Human Rights.⁸

A prominent feature of nationalist domination is abrogating the right to dissent in matters of “conscience, religion, and belief.”⁹ In particular, fascism constituted a direct, comprehensive, and systematic assault on the four categories of belief right that were subsequently guaranteed in the documents, and that were explicitly formulated against the background of fascist offenses.¹⁰

⁶ In this section, I borrow from my essay, “Rethinking Religious Tolerance: A Human Rights Approach,” in David Little and David Chidester, *Religion and Human Rights: Toward an Understanding of Tolerance and Reconciliation* (Emory University Humanities Lectures, no. 3, 2001), pp. 3-30.

⁷ Cited in Alan Bullock, *Hitler* (New York: Harper & Row, 1962), 401.

⁸ Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

⁹ “Thus, it will be recalled that although the German Constitution of 11 August 1919 assured full freedom of conscience and belief to all inhabitants of that country, and permitted each group to administer and control its own affairs, the National Socialist regime completely reversed the whole attitude of the State towards religion and belief. ..They gradually restricted the activities of the Catholic Church in the sphere of charity, education, sports, and work among youth; and at the same time they made determined efforts to assimilate the Protestant Church into their organization and gradually, through the use of terroristic methods, to gain complete control over it.” Arcot Krishnaswami, “Study of Discrimination in the Matter of Religious Rights and Practices,” Stahnke and Martin, *Religion and Human Rights: Basic Documents*, p. 10.

¹⁰ Johannes Morsink, in his generally excellent book, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (Philadelphia: University of Pennsylvania Press, 1999), is uncharacteristically inattentive to the fascist background of the articles relating to belief rights, with the exception of prohibitions against “hate speech”; see pp. 69-72. As we point out in fn. 9, above, Krishnaswami is much more acute in this regard.

1. The *right of free exercise in matters of thought, conscience, religion and belief*, which amounts to the right of liberty. This right includes a guarantee against being “subject to coercion which would impair [the] freedom to have a religion or belief of [one’s] choice,”¹¹ and “does not permit any limitation whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one’s choice.”¹² Also guaranteed is the freedom, “either individually or in community with others and in public and private, to manifest [one’s] religion or belief in worship, observance, practice and teaching.”¹³ “The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head covering,” etc.¹⁴

The only allowable limitations are those that governments may impose on the “freedom to manifest religion or belief,” as opposed to holding or choosing one, for the purpose of protecting “public safety, order, health, or morals or the fundamental rights and freedoms of others.”¹⁵ At the same time, the burden of proof clearly rests with the government in regard to such actions. The government must show that any limitation on the manifestation of conscientious belief is both “necessary” and “proportionate”; that is, the limitation must be designed and administered so as to impose the least restrictive burden consistent with protecting a truly compelling state interest.¹⁶ It should be noted that limitations on the freedom of religion or belief are *not* permitted for unspecified considerations, such as national security.¹⁷ Since fascists justified the abridgement of any and all rights on grounds of national security, this is an important exclusion.

2. The *right against discrimination based on religion or belief*, which is another way of stating the right of equality. According to this principle, “the expression, ‘intolerance and discrimination based on religion or belief’¹⁸ means

¹¹ International Covenant of Civil and Political Rights, article 18, para. 2. (cf. Declaration on the Elimination of All Forms of Intolerance and Discrimination, article 1, para. 2).

¹² UN Human Rights Committee General Comment on Article 18 of the ICCPR, Stahnke and Martin, *Religion and Human Rights: Basic Documents*, p. 92, para. 2.

¹³ Article 18, para. 1, ICCPR; cf. article 1, para. 1 of DEID.

¹⁴ Stahnke and Martin, *Religion and Human Rights: Basic Documents*, para. 4, p. 92.

¹⁵ Article 18, para. 3, ICCPR; cf. article 1, para. 3 of DEID.

¹⁶ Stahnke and Martin, *Religion and Human Rights: Basic Documents*, para. 8, p. 93.

¹⁷ *Ibid.*, para. 8, p. 93.

¹⁸ While “intolerance” and “discrimination” seem to be equated here, they are not so equated in DEID, article 4, para. 2, where the declaration requires that governments “enact or rescind legislation where necessary to prohibit any such discrimination,” and then goes on to call for “all appropriate measures to combat intolerance.” The obvious implication is that intolerance and discrimination (and, conversely, tolerance and nondiscrimination) are not the same thing. See my discussion in Little, “Rethinking Religious Tolerance,” pp. 4-17.

any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.”¹⁹ This means that while a state or official religion is not ruled out as such, its existence may not be used as a basis for “any discrimination against adherents of other religions or non-believers.” For example, any “measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths,” are prohibited.²⁰

3. The *right of the protection of minorities, whether “ethnic, religious, or linguistic.”*²¹ Authoritative interpretation of this right by the Human Rights Committee has gone some way toward overcoming the weakening of this provision that took place at the time of the drafting of the UDHR,²² mainly at the urging of representatives of the United States, Canada, and Australia, who were concerned to reduce the scope of cultural autonomy for minorities in favor of a policy of assimilation. The recent pronouncements by the Committee suggesting that in the interest of “correcting conditions which prevent or impair the enjoyment” of minority rights, “positive measures by States may...be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion...,”²³ recall more robust formulations of the right of minority protection that were rejected at the time of drafting.²⁴

4. The *right against “religious...hatred that incites to discrimination, hostility or violence.”*²⁵ Considerable perplexity surrounds this right. Against the background of fascist practice, it makes good sense to “prohibit by law” actions aimed at and capable of producing discrimination, hostility and violence against religious and other groups and individuals. There is no lack of vivid examples of impermissible behavior from the Nazi time. Moreover, bringing about discrimination (as defined above under belief right 2) is by now indisputably a violation of human rights, as is inciting violence (except as and

¹⁹ Article 2, para. 2 of DEID. Cf. articles 2 and 27 of the ICCPR, and articles 2 and 7 of the UDHR.

²⁰ Stahnke and Martin, *Religion and Human Rights: Basic Documents*, para. 9, p. 94.

²¹ Article 27, ICCPR; cf. article 27, para. 1, UDHR. Article 27 in the UDHR completely eliminated any reference to minority protection, something that was restored to some degree in article 27 in the ICCPR. However, the Committee Comment goes well beyond the wording of article 27 in the ICCPR.

²² See Morsink, *The Universal Declaration of Human Rights*, pp. 269-280.

²³ Stahnke and Martin, *Religion and Human Rights: Basic Documents*, para. 6.2., p. 99.

²⁴ See Morsink, *The Universal Declaration of Human Rights*, esp. pp. 272-274.

²⁵ Article 20, para. 1 of the ICCPR. Cf. article 7 of the UDHR.

expression of “the sovereign right of self-defence or the right of peoples to self-determination”²⁶).

On the other hand, it is particularly difficult, for legal purposes, to specify the meaning of “religious hatred” and “hostility,” as referred to in the provision. Hatred and hostility, which are largely matters of attitude and emotion, are notoriously hard to police, and, because of that, invite conflicts with the rights of free speech and expression, as was already clear from the debates surrounding the drafting of this provision.²⁷ It is predictable that this right, however indispensable, will continue to generate considerable controversy around the edges.²⁸

The wholesale denial of the rights of free exercise, nondiscrimination, minority respect, and protection against abuses caused by religious and other forms of hatred, as were practiced by mid-twentieth-century fascist governments, illustrates perfectly the two aspects of postmodern analysis of culture and religion. A society otherwise culturally and religiously diverse comes to be dominated by a repressive national system arbitrarily imposed from above. The obvious practical inference, it seems to me, is to adopt the human rights solution--namely, to embrace and promote belief rights, along with other human rights provisions, all of which are designed to protect pluralism and dissent by thwarting or reducing arbitrary national domination.

The same message applies to the second reason for being urgently concerned about the violation of belief rights. It is that the “pathological nationalism” associated with fascism did not end after World War II. Rather, it mutated into various forms of authoritarianism and ultra nationalism, as became apparent especially after the collapse of the former Soviet Union, and came to represent new versions of the same threat represented by fascism.

Of special concern nowadays is what may be called, “ethnoreligious nationalism,” whereby one group, with a specific ethnic and religious identity, attempts to gain political and legal control over the inhabitants of a given territory, and to assert and preserve its cultural and religious preeminence at the expense of minorities within the territory. As Bosnia, Kosovo, Sudan, Sri Lanka, India, Northern Ireland, Israel/Palestine, and many other cases illustrate, such efforts variously involve intolerance, discrimination, persecution,

²⁶ Stahnke and Martin, *Religion and Human Rights: Basic Documents*, para. 2, p. 96. Of course, introducing the qualification regarding self-defense and self-determination is bound to create its own perplexities when it comes to distinguishing between legitimate and illegitimate force.

²⁷ Morsink, *The Universal Declaration of Human Rights*, pp. 69-72.

²⁸ It is taken up thoughtfully, if in places inconclusively, in my opinion, by Natan Lerner in *Religion, Beliefs, and International Human Rights*, ch. 3. See my discussion in Little, “Rethinking Religious Tolerance.”

expulsion, and even liquidation, particularly toward minorities, usually at the hands of national governments. As we say, societies otherwise culturally and religiously diverse come to be dominated (to varying degrees) by a repressive national system imposed from above. Again, the only reasonable antidote, it would seem, is to sponsor the spread of belief rights and other human rights. Happily, there is some evidence that that is happening to a significant degree and with distinctly positive effects.²⁹

A third reason to be concerned about the violation of belief rights, and about the need for their protection, is the rise of terrorism, and its connection to pathological nationalism, as described in Robert Pape's recent study, *Dying to Win: The Strategic Logic of Suicide Terrorism*.³⁰ Pape's central thesis is that "the taproot of suicide terrorism is nationalism—the belief among members of a community that they share a distinct set of ethnic, linguistic, and historical characteristics and are entitled to govern their national homeland without interference from foreigners."³¹

While religion is not the primary cause of suicide terrorism, it is a critical factor, according to Pape, in consolidating group identity and in intensifying the divisions between the in-group and outsiders, particularly occupiers like the Israelis in Palestine, and the United States in Iraq and elsewhere in the Arab world. Because of the "mechanism of exclusivity" and the potential for "demonizing the enemy" that are especially associated with religion, it is the case that "under the circumstances of a foreign occupation..., religious difference can inflame nationalist sentiments in ways that encourage mass support for martyrdom and suicide terrorism,"³² sentiments that encourage the "the willingness to die, and the willingness to kill innocents."³³

Obviously, the methods of terrorism, including suicide terrorism, systematically violate human rights norms, and insofar as terrorism is linked to nationalist liberation, promise a political arrangement in which religious and cultural

²⁹ See particularly the work of Ted Robert Gurr et al., especially his book, *Peoples versus States: Minorities at Risk in the New Century* (Washington, DC: U.S. Institute of Peace Press, 2000). There Gurr reports that the "outlook [concerning the incidence of ethnonational violence around the world] is conditionally positive" (p. xv), and that "the number of groups using armed violence has been declining after decades of increase." (p. 275). Significantly, these encouraging developments are the result to an important degree, says Gurr, of "the recognition and active protection of the rights of minority peoples: freedom from discrimination based on race, national origin, language, or religion, complemented by institutional means to protect and promote collective interests" (p. 278). Gurr's work underscores the connection between human rights compliance and just peace.

³⁰ (New York: Random House, 2005).

³¹ *Ibid.*, p. 79.

³² *Ibid.*, p. 88.

³³ *Ibid.*, p. 90.

life would be subject to the most extreme form of arbitrary domination. For example, Osama bin Laden, in advocating the expulsion of foreign troops from Arab states like Kuwait, Saudi Arabia, and Iraq, and the creation in these and other states of what he regards as an authentic Islamic national government, has given a glimpse of his specific ideals and objectives by supporting and affiliating with the National Islamic Front in Sudan, and the Taliban government in Afghanistan. These regimes are two of the most notorious violators of human rights, including all four of the belief rights, in recent history.

By singling out these three examples of “pathological nationalism,” we intend both to show the appalling consequences of a systematic denial of belief rights (and other human rights), and to inspire and/or reinforce a commitment to them. We should emphasize that the temptation to repress religious and cultural diversity by means of arbitrary domination is by no means limited to the three examples we have considered. Actually, all modern nations are to a greater or lesser degree caught up in struggles between majorities and minorities over cultural and religious identity. It is just because there is indeed *no place* where the subject of cultural and religious identity is ‘something orderly, unitary and stable,’ and where it is not comprised of ‘differing and often conflicting perspectives and attitudes that are constantly being contested and challenged’, or where the tendency of governments and allied groups to impose arbitrary order is absent, that the need for belief rights is so universally critical.

Ultimately, my entire defense of belief rights rests upon the following conviction: In face of the events of the mid-twentieth century and after, it seems morally unavoidable to believe that each and every human being is bound to regard what the Preamble to the UDHR calls “barbarous acts which outraged the conscience of mankind” with the same “shared outrage” that united the drafters of the UDHR and animated their work, and that “explains why the Declaration has found such widespread support.” By employing the phrase, “outraged the conscience of mankind,” “the drafters generalized their own feelings over the rest of humanity. Taking a position diametrically opposed to Hitler’s, they believed that any morally healthy human being would have been similarly outraged when placed in similar circumstances.”³⁴ Moreover, it seems equally morally unavoidable to commit to embracing and upholding the

³⁴ Morsink, *Universal Declaration of Human Rights*, p. 91. The assumption here—not unreasonable in my view—is that expressing moral outrage in response to Hitler’s actions is itself a critical (if minimal) defining characteristic of what it means to be a “morally healthy human being.” If there is skepticism toward this point, “it is recommended that the skeptic spend a few hours in the Holocaust Museum in Washington, D.C.,” as I once put it (Little, “Tolerating Intolerance: Some Reflections on the Freedom of Religion as a Human Right,” in *Reflections*, vol. 90, no. 2 (Summer/Fall, 1995), p. 23).

basic standards of restraint designed by the drafters to prevent the recurrence of those barbarous acts, and to follow the Declaration in holding all people, including religious people, accountable to the standards.

It is this conviction that there exists an irreducible and common moral foundation for belief rights (and other human rights), then, that distinguishes the position here defended from postmodern thought. However much postmodernists illumine our understanding of national culture and religion, their doctrinaire skepticism is, in my opinion, finally self-defeating. It leaves them with no basis for embracing the indispensable means by which to protect cultural and religious pluralism and dissent from arbitrary domination within a national context.

CULTURE, RELIGION AND AMERICAN NATIONAL IDENTITY

We may briefly apply what we have so far worked out to a specific case, namely recent controversies surrounding American national identity. The controversies are focused on a much-discussed recent book by Samuel P. Huntington, *Who Are We? Challenges to America's National Identity*,³⁵ in which Huntington argues that what he calls, "Anglo-Protestant National Identity" is a relatively consistent and unified cultural pattern throughout American history. It is a special combination, he says, of definitive British influences, particularly language and political-legal institutions, and religion, namely a distinctively American form of Protestant Christianity.

Huntington is emphatic about the idea that American religion is of critical importance. He calls the 21st century "a century of religion," and says that in America "evangelical Christianity has become an important force, and Americans generally may be returning to the self-image prevalent for three centuries that they are a Christian people."³⁶ He finds that Americans in large numbers view atheists unfavorably, and "seem to agree with the founders that their republican government requires a religious base...,"³⁷ and he himself declares that America's "civil religion," as he calls it, "is not compatible... with being an atheist...."³⁸ While the idea of what is called the "American Creed" — namely, a set of civil and political ideals, assuring equal freedom for all citizens in regard to press, assembly, speech, religion, etc. — is important, it is itself, Huntington claims, "the unique creation of a dissenting Protestant culture." In short: no Protestantism, no creed.³⁹

³⁵ (New York: Simon & Schuster, 2004).

³⁶ *Ibid.*, p. 15.

³⁷ *Ibid.*, p. 88.

³⁸ *Ibid.*, p. 103.

³⁹ *Ibid.*, 68.

But however unified and coherent the Anglo-Protestant identity has been historically, there now exist two significant challenges to it, according to Huntington.⁴⁰ One is the large and growing bloc of Latino, and especially Mexican, immigrants, who manifest a set of characteristics that in the history U.S. immigration are uniquely opposed to American national identity. Unlike earlier immigrants, Mexicans are very unlikely to adapt to American identity because of their extraordinary numbers, their proximity to their homeland, their tendency to isolate themselves once in the United States, and their “often contemptuous” attitude toward American culture. On the contrary, they are likely to try to undermine it.⁴¹

The second challenge is represented by a collection of “dead souls,” as Huntington calls them, who make up the “denationalized elites.” These Americans are part of an “emerging global super class” alienated from the vast “patriotic public” because of a set of shared “transnational ideals” according to which nationalism is regarded as “evil, national identity suspect, and patriotism passé.”⁴² Huntington invokes approvingly the following description of academics and intellectuals, political leaders (especially in the Clinton administration), business people, employees of international non-governmental organizations, etc. who, he believes, are members of this group:

The cosmocrats are increasingly cut off from the rest of society: Its members study in foreign universities, spend a period of time working abroad, and work for organizations that have a global reach. They constitute a world within a world, linked to each other by a myriad global networks but insulated from the more hidebound members of their own societies... They are more likely to spend time chatting with their peers around the world—via phone and email—than talking with their neighbors in the projects around the corner.⁴³

⁴⁰ Huntington appears to have applied his earlier theory of worldwide civilizational conflict, as developed in his book, *Clash of Civilizations: The Remaking of World Order* (New York: Simon & Schuster, 1996), to what he believes are potentially deep fissures inside America. For the reasons enumerated in the text, Huntington regards Mexican immigrants as creating a “cultural clash” between their values and established American identity (p. 253). The second threat, posed, as we shall see, by “denationalized elites” who renounce traditional American identity in favor of various forms of cosmopolitanism, internationalism, and transnationalism, represents for Huntington an equally profound cultural or civilizational threat to American traditions.

⁴¹ *Who Are We?*, pp. 254-55.

⁴² *Ibid.*, p. 273. See pp. 263-274 for a discussion of these “dead souls.”

⁴³ From John Micklethwait and Adrian Woolbridge, *A Future Perfect*, 241-242 cited at *ibid.*, p. 269.

There are three kinds of deracinated Americans. “Universalists” believe in “the triumph of America as the only global superpower,” underscored by the “widespread acceptance of American popular culture and values by other societies,” such that America becomes the “universal nation.”⁴⁴ The “economic approach” “focuses on economic globalization as a transcendent force breaking down national boundaries, merging national economies into a single global whole, and rapidly eroding the authority and function of national governments.”⁴⁵ Lastly, the “moralistic approach” “decies patriotism and nationalism as evil forces and argues that international law, institutions, regimes, and norms are morally superior to those of individual nations.”⁴⁶

Two questions need to be raised about these alleged challenges to American national identity. One concerns the accuracy of the threats purportedly represented by Mexican immigrants and by members of the denationalized elites. A number of critics have taken issue with Huntington’s description of the outlook of Mexicans immigrants, citing evidence that points to a much more favorable attitude toward American culture, and a much greater readiness on their part to learn English and participate in the society than Huntington provides.⁴⁷ The same objection has been applied to his description of the views of the denationalized elites. According to one critic, “the erosion of national identity at the hands of multiculturalists and liberal elites is something people were fretting about five or ten years ago,” but “a lot of the conviction leaked out of the argument after the attacks of September 11th.” That event produced both a surge of patriotism and national unity, and a shared belief that “the cultural pluralism that had once seemed threatening became, overnight, an all but official attribute of national identity.”⁴⁸

But suppose Huntington’s descriptions are even partially accurate, and that at least some Mexican Americans and some denationalized elites do pose the kind of challenge he says they do. There still remains the second question regarding what we ought to make of that fact. *How exactly should we go about deciding whether to welcome or resist a challenge (if it is such), as put forward*

⁴⁴ Ibid., p. 266.

⁴⁵ Ibid.

⁴⁶ Ibid., p. 270.

⁴⁷ See Louis Menand, “Patriot Games: The New Nativism of Samuel P. Huntington,” *New Yorker* (May 17, 2004), pp. 96-97 and David Brooks, “The Americano Dream,” *New York Times* (Feb. 24, 2004), p. A 27. This reaction was confirmed by my Harvard colleague, Professor David Carrasco, in a public discussion of *Who Are We?* with Professor Huntington that took place at Harvard Divinity School in the fall of 2004. It must also be said that the evidence Huntington himself supplies (on pp. 254-256) to support the explosive claim that Mexican-Americans are “often contemptuous of American culture” is surprisingly weak.

⁴⁸ Menand, “Patriot Games,” p. 92.

by Mexican Americans or by denationalized elites, or by anyone else, for that matter?

Huntington himself displays considerable unclarity regarding this second question. On the one hand, he appears to operate as a “value-free social scientist,” simply mapping out in a disinterested way the various options available to Americans regarding who they are. These options are described in last chapter as what he calls, the “cosmopolitan,” “imperialist,” and “national” approaches, and they might be understood as purely descriptive generalizations, based on historical and sociological evidence, which constitute the major choices concerning national identity that Americans face at present.⁴⁹ The fact that Huntington devotes most of his book to the “national approach,” and to its Anglo-Protestant characteristics, might similarly be understood as nothing but an empirical argument.

On the other hand, much more seems to be at work in *Who Are We?* than a purely descriptive exercise. It is impossible to avoid the conclusion that Huntington himself passes evaluative judgment from among the options in favor of the “national approach.” “The alternative to cosmopolitanism and imperialism,” he writes, “is nationalism devoted to the preservation and enhancement of those qualities that have defined America since its founding.”⁵⁰ “Cultural America is under siege.” The American people are likely to “postpone their demise and halt disintegration, by renewing their sense of national identity, their national purpose, and the cultural values they have in common.”⁵¹

Huntington’s support for his evaluative preference--unfortunately never carefully developed or defended--is, it seems, a combination of two arguments, one *majoritarian* and the other *functional*. The majoritarian argument holds that whatever “most people,” as inferred from historical and contemporary sociological evidence, decide is the country’s national identity is in fact what it is; in short: *majority rules*. According to the functional argument, unless the national identity (as determined by “most people”) is preserved and enhanced, the nation will disintegrate.

Huntington is serious about these arguments. He draws lessons from two recent legal cases that illustrate the depth of his commitment to majoritarianism, and the degree of his apprehension over threats to majority beliefs.⁵² The first case involves a legal initiative, undertaken in 2002 by Dr. Michael Newdow, an avowed atheist, to remove the words, “under God” from the Pledge of Allegiance. The initiative was upheld in a lower California court, and then

⁴⁹ Huntington, *Who Are We?*, pp. 362-366.

⁵⁰ *Ibid.*, p. 365.

⁵¹ *Ibid.*, p. 12.

⁵² *Ibid.*, pp. 81-83.

later overturned by a higher court on the grounds that Dr. Newdow did not have proper legal standing. The second case concerns one Brian Cronin, who, in 1999, sought the removal of a sixty-foot cross that had stood on public land in Boise, Idaho for forty-three years.

In response to the first case, Huntington comments on Newdow's claim that the words, "under God" in the Pledge made him feel "like an outsider," a claim the lower court agreed with.

Dr. Newdow and the court got it right: atheists are 'outsiders' in the American community. As unbelievers they do not have to recite the Pledge or to engage in any religiously tainted practice. They also, however, do not have the right to impose their atheism on all those Americans whose beliefs now and historically have defined America as a religious nation.

Is America also a Christian nation? The statistics say yes; 80 percent to 85 percent of Americans regularly identify themselves as Christians.⁵³

As to the case concerning Brian Cronin and his attempt to remove the sixty-foot cross from public land in Boise, Idaho, Huntington takes the same position. In response to Cronin's claim, "For Buddhists, Jews, Muslims, and other non-Christians in Boise, the cross only drives home the point that they are strangers in a strange land," Huntington writes:

Like Dr. Newdow, Mr. Cronin was on target. America is a predominantly Christian nation with a secular government. Non-Christians may legitimately see themselves as strangers because they or their ancestors moved to this 'strange land' founded and peopled by Christians, even as Christians become strangers by moving to Israel, India, Thailand or Morocco.⁵⁴

Huntington's responses to these cases illustrate the problems with his position. The difficulties are several. In the Newdow case, it is incorrect to say that removing the words, "under God," from the pledge is the same as imposing atheism. That would be true only if some such words as, "*not* under God (since God does not exist)," were substituted. Simply removing reference to the deity leaves the matter of religious or anti-religious commitment open.

In the Cronin case, even Huntington himself appears to worry, very obliquely, about discrimination. He points out in passing that in similar cases

⁵³ *Ibid.*, p. 82.

⁵⁴ *Ibid.*, p. 83.

in other cities, people supporting the presence of a cross on public property have “attempted to preserve it by transferring ownership of the land to private groups, *thus implicitly recognizing problems involved in the blatant government display of the symbol of only one religion.*”⁵⁵ This admission may also imply sensitivity on Huntington’s part to the fact that a “secular government,” to which he refers, has obligations to treat all religions equally, rather than unfairly privileging the majority.

However, these hints of sensitivity make all the more disturbing Huntington’s unwavering readiness to dismiss Cronin’s and Newdow’s concerns about being considered “outsiders” and “strangers.” Is it self-evident that because they are members of a minority “religion or belief,” and wish to challenge what they regard as the arbitrary domination of the majority, they ought to be told that they have no cultural or religious standing to do so, whatever the courts may rule? Can there be no reasonable fear that accepting the principle, ‘majority rules,’ as the way to decide these matters might result in serious legal and political discrimination? Should proponents of minority views like these be told that because they are not members of the “Anglo-Protestant majority,” they are therefore not full-fledged American citizens and are accordingly bound to acquiesce forever in the status of outsiders and strangers?

Moreover, ought they be expected to defer, if they are informed that the changes they seek are likely to produce “demise” and “disintegration” in regard to certain aspects of the dominant national identity? Should they not rather be expected, as countless minorities in the history of this and other countries have been, to embrace the prospect of the disruption and transformation of dominant religious and cultural patterns? Is that not—reasonably--the point of their protests? So long as they conduct themselves within the bounds of free and fair debate, have they not every right to continue their challenge as equal members in good standing of the national community?

Incidentally, it does not help Huntington’s case to contend, as he does, that minorities in Israel, India, Thailand, or Morocco have no more reason to worry about being called outsiders and strangers than do non-Christians in America. In each of those countries, as in the United States, the legal and cultural status of religious and other minorities is an acute and continuing problem, which, one can only hope, will be allowed to be debated and contested fairly and openly, rather than concluded and closed down in the name of majority dominance and vague predictions of imminent demise should change occur.

In essence, Huntington’s central arguments do not work because he has failed to appreciate the three basic points about culture, religion, and national

⁵⁵ *Ibid.*, p. 83.

identity we have tried to make: 1) the susceptibility of these matters to irreducible pluralism and persistent controversy, 2) the liability to arbitrary domination (including majoritarian domination), and 3) the urgent need (in face of the first two conditions) for a system of standards, best expressed by human rights, and particularly by belief rights, that assure maximum fairness and openness in respect to debating and contesting the cultural and religious character of national identity.

CONCLUSION

Though I have hardly thought it through, or begun to elaborate it adequately, I offer the following sketch of an alternative view of American national identity as a way of summarizing the framework of thinking I have laid out in this essay. I recognize, of course, that this is yet one more proposal, along side many others, which must be presented and argued for according to the national and international standards of free and fair debate that I take to be essential to American national identity.

We are a people who freely and fairly debate and contest the question of who we are culturally and religiously, and agree to accept *provisional* answers according to a set of constitutionally guaranteed procedures (roughly referred to as “the American Creed”). These procedures, together with the institutions and customs that embody them, are historically embedded in particular and precious ways (something that is undoubtedly very important for American national identity). However, these procedures are also subject to scrutiny and modification in the light of international human rights standards (especially belief rights).