Spring 2002

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Recommended Citation
Williams, Susan H. (2002) "Religion, Politics, and Feminist Epistemology: A Comment on the Uses and Abuses of Morality in Public Discourse," *Indiana Law Journal*: Vol. 77 : Iss. 2 , Article 4.
Available at: https://www.repository.law.indiana.edu/ilj/vol77/iss2/4

Religion, Politics, and Feminist Epistemology: A Comment on the Uses and Abuses of Morality in Public Discourse

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In the United States in recent years, we have been experiencing a lively debate, in both the popular and academic press, about the role of religion in our public, political life.[1] The terms of this debate sometimes suggest that while morality in general is acceptable, even desirable, as part of our political culture, religious morality raises particular problems that make it suspect in unique ways.[2] By reading the articles for this panel through the lens of feminist epistemology, I will suggest that both parts of this common assumption are mistaken. The use of contested moral frameworks in our political life is, I will argue, simply inescapable, but it is by no means unproblematic. And religious frameworks are not inherently more or less acceptable than other sorts. The distinction we should be worrying about is not the religious/nonreligious distinction, but rather the difference between moral frameworks that encourage their adherents to adopt a stance of vulnerability to challenge and those that seek to insulate their adherents from such vulnerability. Religions fall on both sides of this line.

The articles for this panel address the role of religion in particular, and morality more generally, from a variety of perspectives. From the perspective of a lawyer, Professor Dan Conkle succinctly outlines the several different ways in which religious discourse enters politics and offers a balanced assessment of the constitutionality and the wisdom of these different uses.[3] In particular, he suggests that the use of religious institutions to deliver publicly funded social services—as in President Bush's recent faith-based initiative—may do religion more harm than good

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1. For examples from the popular press, see RELIGION AND AMERICAN POLITICS: THE 2000 ELECTION IN CONTEXT (Mark Silk ed., 2000); Rob Boston, *Preachers, Politics, and Campaign 2000*, CHURCH & ST., Sept. 1, 2000, at 14; Jonathan Kirsch, *Urging a More Civil Approach to Debate Over Church-State Separation*, L.A. TIMES, Sept. 1, 2001, at B20 (reviewing RELIGION IN AMERICAN PUBLIC LIFE: LIVING WITH OUR DEEPEST DIFFERENCES (Azizah Y. al-Hibri et al. eds., 2001)). For examples from the academic literature, see MICHAEL J. PERRY, LOVE AND POWER: THE ROLE OF RELIGION AND MORALITY IN AMERICAN POLITICS (1991); RELIGION IN AMERICAN PUBLIC LIFE: LIVING WITH OUR DEEPEST DIFFERENCES (Azizah Y. al-Hibri et al. eds., 2001); Symposium, *Religiously Based Morality: Its Proper Place in American Law and Public Policy*, 36 WAKE FOREST L. REV. 401 (2001); Mark W. Cordes, *Politics, Religion, and the First Amendment*, 50 DEPAUL L. REV. 111 (2000); Michael J. Perry, *Liberal Democracy and Religious Morality*, 48 DEPAUL L. REV. 1 (1998); Suzanna Sherry, *Religion and the Public Square: Making Democracy Safe for Religious Minorities*, 47 DEPAUL L. REV. 499 (1998).

2. *See, e.g.*, Edward B. Foley, *Tillich and Camus, Talking Politics*, 92 COLUM. L. REV. 954, 968, 980-83 (1992) (reviewing MICHAEL J. PERRY, LOVE AND POWER: THE ROLE OF RELIGION AND MORALITY IN AMERICAN POLITICS (1991)).

3. *See* Daniel O. Conkle, *Religion, Politics, and the 2000 Presidential Election: A Selective Survey and Tentative Appraisal*, 77 IND. L.J. 247 (2002).

if it becomes widespread.[4] He also sounds a note of concern about the use of religious claims of spiritual meaning in a political context, at least where those claims are explicitly sectarian.[5] But he argues that religious discourse is appropriate in a broad range of political settings, from the assessment of a candidate's moral character, to the recognition of religion as a basis for our political ideals and institutions.[6]

Professor Jeff Isaac[7] focuses his attention on the public funding of religious institutions as a means of delivering social services.[8] From the perspective of political theory, he suggests that programs like the President's must be seen in the larger context of debates about the role of civil society.[9] Through that lens, he forcefully argues, the program is revealed to have many of the strengths and weaknesses associated with civil society approaches generally. In particular, such approaches are valuable in their demand that solutions to social problems be formulated at the lowest feasible level—the principle of subsidiarity.[10] They are useful in mobilizing and creating social capital; and they possess the pragmatic virtue of being able to work within the constraints of a political world in which antistate sentiment is strong and the will to remedy social problems is ·weak.[11] The limitations of civil society

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4. *See id.* at 250-52.

5. *See id.* at 263-64.

6. *See id* at 256, 259-60.

7. Professor Issac presented his article at this Symposium, but is publishing elsewhere.

8. Jeffrey C. Isaac, *Faith-Based Initiatives: A Civil Society Approach*, GOOD SOC'Y (forthcoming 2002) (manuscript at 4, on file with the *Indiana Law Journal*). Professor Isaac states that "[t]he Bush policies are designed to use the government—federal, state, and local[—]to assist voluntary efforts to deliver social assistance, to attack neighborhood and community problems, and to build community assets." *Id.* "[D]oes the faith-based initiative idea hold out any promise of enhancing social service delivery or distributive justice or the practice of engaged and responsible citizenship? My answer...is a qualified 'yes.'" *Id.* at 3.

9. *See id.* at 2-3. Professor Isaac notes:

> [T]he faith-based initiative idea is deeply ideological, but in a complex rather than a simple way. While it does seek to bring faith into the public realm in a visible way—long a goal of the Religious Right—it is not reducible to a tactic of the Religious Right. While it poses some important Constitutional questions, and while it will be necessary for some of these questions to be worked out in the courts, it is not primarily about the public establishment of religion. Furthermore, while it embodies anti-statist prejudices that should make liberals and those farther to the left blanch, the faith-based initiative idea should not be lightly dismissed, for it represents in some ways a promising "civil society" approach to public policy in a post-liberal, post-welfare state political movement.

Id.

10. *See id.* at 16. Professor Isaac argues that

> [The faith-based initiative] represents a way to tap and to leverage the moral resources present in the institutions and associations of civil society; it represents a way to link the delivery of social services with a civic rather than a bureaucratic approach; it works on the principle of subsidiarity, which locates solutions at the lowest level possible....

Id.

11. *See id.* at 16 (arguing that "as a matter of pragmatics [the faith-based initiative concept] reflects where public discourse currently is, and [also] the low level of mobilized public

approaches generally, and the faith-based initiative in particular, include their uncritical acceptance of presently existing civil society institutions; their too easy abandonment of larger scale solutions even when they may be necessary; and their panglossian refusal to recognize the issues of political conflict and justice that attend the implementation of any such program.[12]

From the perspective of literary and cultural studies, Professor Kathleen Woodward explores the rhetoric of compassion—in its liberal, academic, and conservative forms.[13] She points out that issues of difference and hierarchy, which are central to the liberal vision, are excised from the conservative discourse.[14] This elimination is accomplished by disconnecting compassion from the suffering of actual individuals and transforming it into a description of social policies and political ideologies: "compassionate conservatism."[15] She criticizes this "morally empty appropriation" as having lost the connection to feeling and the transformative aspect at the heart of compassion.[16]

Whatever their differences on particular issues of policy, the panelists all seem to be in agreement on one fundamental fact: as Isaac puts it, politics is about values.[17] Values, in turn, are the expression of cultural systems of meaning. That is to say, values make sense only within some framework that defines a way of life in which the values could have worth.[18] Some of those frameworks or systems are usefully

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support for more ambitious remedial public policies that currently exists").

12. *See id.* at 3-4 (stating that his qualified support for faith-based initiatives places him at "odds with the [p]anglossian attitude often evinced by conservative and religious supporters of the idea").

13. *See* Kathleen Woodward, *Calculating Compassion*, 77 IND. L.J. 223 (2002).

14. *See id.* at 236-37.

15. *See id.* at 237.

16. *See id.* at 225.

17. *See* Isaac, *supra* note 8. Professor Isaac suggests that the political debate over the faith-based initiative is largely a debate over the values served by such programs in American society:

> The prominence accorded the faith-based idea has brought to the fore important questions about the meaning of citizenship and civic responsibility and about the role of the state in a democratic society. Critics of the Bush administration should not shy away from such a discussion. They should treat the promotion of the faith-based idea as an opportunity to raise hard questions about community, democracy, and the true meaning of citizenship, and to press this discussion in a more egalitarian, democratic, and visionary direction.

Id. at 26.

18. *See* ALASDAIR MACINTYRE, AFTER VIRTUE: A STUDY IN MORAL THEORY 186 (2d ed. 1984) ("One of the features of the concept of a virtue which has emerged with some clarity from the argument so far is that it always requires for its application the acceptance of some prior account of certain features of social and moral life in terms of which it has to be defined and explained.").

To claim that values make sense only within a moral framework is not to deny the possibility of cross-cultural dialogue about or even criticism of values. In other words, this is not simple cultural relativism. It is to suggest, however, that we misunderstand the task before us if we believe that we can engage in such dialogue or criticism without achieving some understanding of the moral frameworks in which the values we wish to discuss are embedded. *See generally*

categorized as religions, and some are not. There are two crucial facts about our political life when it is understood as a conversation and contest about values. First, we do not all inhabit the same cultural systems of meaning and do not all share the same values. Indeed, as Woodward suggests, our differences may be ineradicable.[19] Second, the contests and conversations about values in which we engage are themselves the sites of contested values, such as the multiple meanings of democracy. In other words, we need procedures for struggling over our different value choices, but we need to recognize that what the procedures are is itself a subject over which those with different values will struggle.[20]

In light of this, I think that one useful lens for viewing the relationship between religion and politics is the lens of epistemology. In our political struggles over values, we must decide how we can effectively understand each other across our differences and what role religious claims play in this process. Feminist epistemology may be particularly useful here because it has focused its attention on the ways in which contests over truth and reality are played out in situations of hierarchy.[21] Feminist epistemologists have been searching for a way to understand our conversations about truth that is consistent with the recognition that all truth claims rely upon value choices and that we do not share the same values nor even the same cultural categories in which to understand our values. They have looked for the characteristics of conversations where illegitimate hierarchies are not used to silence any of the participants and where fruitful dialogue across difference is possible.[22] And they have looked for this not only in abstract, theoretical conversation, but in the particular cultural and institutional contexts in which we find ourselves.[23] In that sense, the feminist project has been very pragmatist.[24]

I will offer a few of the insights of feminist epistemologists and then try to apply them to some of the concerns raised by the panelists. One of the most important aspects of the feminist critique of mainstream epistemology is the argument that different forms of knowledge claims include moral foundations or implications and that the knowledge claims can be criticized on the basis of their morality. Knowledge claims rest on value judgments at several stages: first, at the stage of defining what is worth studying; second, at the stage of deciding what will count as the evidence to be considered; and third, at the stage of interpreting and theorizing about that

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CHARLES TAYLOR, SOURCES OF THE SELF: THE MAKING OF THE MODERN IDENTITY (1989).

19. *See* Woodward, *supra* note 13, at 230.

20. *See, e.g.*, IRIS MARION YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 201 (1990).

21. *See, e.g.*, Sandra Harding, *Rethinking Standpoint Epistemology: What Is "Strong Objectivity"?*, *in* FEMINIST EPISTEMOLOGIES 49-50 (Linda Alcoff & Elizabeth Potter eds., 1993).

22. *See, e.g.*, SEYLA BENHABIB, SITUATING THE SELF: GENDER, COMMUNITY, AND POSTMODERNISM IN CONTEMPORARY ETHICS 6-12 (1992).

23. *See, e.g.*, Mary M. Gergen, *Toward a Feminist Metatheory and Methodology in the Social Sciences, in* FEMINIST THOUGHT AND THE STRUCTURE OF KNOWLEDGE 87, 87-101 (Mary M. Gergen ed., 1988).

24. For discussions of the relationship between pragmatism and feminism, see Margaret J. Radin, *The Pragmatist and the Feminist*, 63 S. CAL. L. REV. 1699 (1990); Phyllis Rooney, *Feminist-Pragmatist Revisionings of Reason, Knowledge, and Philosophy*, 8 HYPATIA 15 (1993).

evidence.[25] Moreover, an epistemological position as a whole may represent a stance with important moral aspects. For example, Cartesian models of knowledge as power over an object can be criticized on the basis of the immorality of objectification and the devaluation of the interaction between subject and object inherent in this epistemology.[26] The idea is that knowledge claims include a moral stance and that the proponent of such claims must accept responsibility for the moral stance implicit in her position.

Accepting responsibility is itself a moral stance.[27] Indeed, this moral stance becomes the only possible ground for objectivity in an epistemology that has abandoned the idea that knowledge consists of accurate representations of an external reality.[28] It is the adoption of such a stance, and the fulfillment of the attendant responsibility with integrity, that is the only basis for trust between people operating within different moral and epistemological frameworks.[29] In other words, since we do not share the same frameworks, we can construct a shared reality only upon the basis of trust in such a moral stance. Only if I believe that you will stay in this relation with me and fulfill this responsibility can I trust you in the way that is necessary to reach beyond our differing frameworks to construct a shared reality on which democratic action can be based.

The precise nature of the moral stance required may well differ in different social contexts, but perhaps we could say something about what might be required of interlocutors in our national political discourse. To begin with, we must acknowledge the moral foundations and implications of our truth claims. I think, in some respects, those who are bringing religious language and perspectives to bear on political issues are the most likely to meet this responsibility. They may be less prone to the pretense of neutrality that infects so many nonreligious discourses. For example, people applying scientific or economic models to resolve social issues often claim that they are not relying upon moral frameworks at all, but in fact, the assumptions inherent in their disciplinary models involve significant, and contested, moral claims.[30] Because those relying explicitly upon religion are more aware of the contested nature of their values, they are less likely to assume or insist that their views are somehow neutral

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25. For discussion of the impact of value judgments on knowledge formation, see Sandra Harding, *Is There a Feminist Method?*, *in* FEMINISM AND METHODOLOGY 1, 6 (Sandra Harding ed., 1987); Ruth Hubbard, *Some Thoughts About the Masculinity of the Natural Sciences*, *in* FEMINIST THOUGHT AND THE STRUCTURE OF KNOWLEDGE, *supra* note 23, at 1; Naomi Schemann, *Individualism and the Objects of Psychology*, *in* DISCOVERING REALITY: FEMINIST PERSPECTIVES ON EPISTEMOLOGY AND METAPHYSICS 225, 229 (Sandra Harding & Merrill B. Hintikka eds., 1983).

26. *See* CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 97 (1989).

27. *See generally* LORRAINE CODE, EPISTEMIC RESPONSIBILITY (1987).

28. For versions of such approaches to objectivity, see Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 880-81 (1990); Harding, *supra* note 21, at 52.

29. *See* Susan H. Williams, *Truth, Speech, and Ethics: A Feminist Revision of Free Speech Theory*, 30 GENDERS (Nov. 1999), *at* http://www.genders.org/g30/g30_williams.html.

30. *See* Herbert Hovenkamp, *Positivism in Law and Economics*, 78 CALIF. L. REV. 815, 826-35 (1990); Duncan Kennedy, *The Role of Law in Economic Thought: Essays on the Fetishism of Commodities*, 34 AM. U. L. REV. 939 (1985).

or universally acknowledged. Indeed, the feminist position here may be seen as a perhaps surprising endorsement of the claim that reliance on religious values does not distinguish these political actors from others because we are all relying on contested values.

But the feminist approach requires more than simply the realization that our values are implicated. The feminist approach suggests that in order to reach across our differences to construct a shared reality on which policy choices can be based, we must be willing to have our values challenged and we must be actively engaged in exploring the frameworks of those who are different. In other words, the responsibility here includes a powerful dose of vulnerability and an openness to challenge.[31] Most fundamentally, we have a responsibility to listen to, perhaps even to seek out, moral perspectives that differ from our own and to engage with them in a spirit of openness that leaves us vulnerable to their challenge.

This vulnerability is particularly important because the relationships of power and hierarchy that infect our national political discourse mean that the ability to help shape our shared reality is not equally distributed. I suspect that this sort of vulnerability would be crucial even if we lived in a world with substantial equality, but of course we do not. In our world of dramatic and cross-cutting hierarchies, there are many with a limited ability to affect the reality we share, and there are a few who are so insulated by wealth, race, gender and so on that they need never notice that their perspective is not shared by the many others whose lives they affect.[32] Thus, the responsibility to be vulnerable and open is not merely a responsibility to oneself—necessary to the achievement of any objectivity—but also a responsibility to those others in one's political community who might seek to challenge one in this way. This responsibility is, in other words, a basic democratic obligation.

Now, it is not the case that religious views of truth are necessarily inconsistent with this stance. Indeed, for many religious believers, such openness and responsibility to others is a central aspect of their understanding of their faith.[33] It would be salutary for the liberal critics of religion-in-politics to remember that, for much of our history, religion has been one of the primary social forces pressing for greater openness and vulnerability.[34] Some religious views of truth may, however, be in tension with the need for vulnerability and openness I am describing, and many other, nonreligious views of truth are also in tension with this stance. What the feminist perspective demonstrates, I believe, is that the focus on religion in particular is misplaced: it is not religion that is the issue, but all frameworks that seek to insulate their believers from such challenge and to provide them with a type of security that is fundamentally

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31. *See* Williams, *supra* note 29.

32. On the privilege that comes with a high position in a hierarchy, see STEPHANIE M. WILDMAN ET AL., PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA (1996); Stephanie M. Wildman & Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible*, 35 SANTA CLARA L. REV. 881 (1995); Peggy McIntosh, *Unpacking the Invisible Knapsack: White Privilege*, CREATION SPIRITUALITY, Jan./Feb. 1992, at 33.

33. *See, e.g.*, Anthony E. Cook, *The Death of God in American Pragmatism and Realism: Resurrecting the Value of Love in Contemporary Jurisprudence*, 82 GEO. L. J. 1431, 1480-83 (1994).

34. ROBERT N. BELLAH ET AL., HABITS OF THE HEART: INDIVIDUALISM AND COMMITMENT IN AMERICAN LIFE 248-49 (updated ed. 1996).

inconsistent with their democratic and epistemological obligations. Some of those frameworks are religious, and some are not. Some religious beliefs are conducive to democratic responsibility, and some are not. The attention to the role of religion in public life is, from this perspective, a distraction from the more pressing issue that we face: how do we encourage people operating within all sorts of frameworks, religious and otherwise, to become self-conscious about the values they bring to public discourse and open to challenges—empathic challenges and other sorts—particularly those challenges they otherwise have the power to avoid?

In the context of the particular issues considered by the panelists, I think this epistemological perspective suggests a few possibilities. First, with respect to the faith-based funding initiative: if public money is given to private organizations, part of whose mission is the promotion of a particular moral framework, we must be sure that the public money is not facilitating a refusal of this democratic responsibility. I agree with Isaac that one such approach would be to consider making such funds available to organizations whose service is to raise the voices that might otherwise fail to be heard in these programs.[35] I also think that the organizations receiving funds might be required as a condition of those funds to provide structures that open them to challenge by the constituencies they serve. Such structures might include governing boards for the programs that are required to include representatives of the groups served; mechanisms for direct (including anonymous) feedback from the recipients of services; and regular opportunities for those served to confront personally and face-to-face the people serving them in order to challenge the moral framework the service providers are seeking to promote.

In relation to religious discourse in the public, political realm, I agree with Conkle that it is in no sense presumptively illegitimate. To begin with the legal issues, the use of religiously based values in political discourse, or even in legislation, does not violate the Establishment Clause of the First Amendment. Legislation about certain matters conventionally understood as religious could violate the Constitution, but legislation on clearly secular matters that is shaped by religiously motivated morality generally does not.[36] The issue on which I would like to focus is not a legal one, but

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35. *See* Isaac, *supra* note 8, at 21. Professor Isaac argues that "support should not be limited to charitable or service groups, but also to *advocacy groups* when these groups can be shown to deliver services or to perform legitimate functions." *Id.* (emphasis in original) Just as groups "should not be discriminated against on account of the religious motivations that energize them[,]...[t]he same principle must thus apply to more left or activist groups. They should not be discriminated against on account of the ideological agendas that motivate and energize their work." *Id.*

36. Unless the purpose, or even the "primary" purpose, is to promote that religion. *See* Daniel O. Conkle, *Religious Purpose, Inerrancy, and the Establishment Clause*, 67 IND. L. J. 1, 3-7 (1991). In his article, Professor Conkle offers a distinction between errant and inerrant religious beliefs that is closely related, in both concept and spirit, to the distinction I am seeking to make in this Article. There are a few differences between our approaches that are worth mentioning, however. First, Professor Conkle intends his distinction to function as part of the legal doctrine under the Establishment Clause, while I intend mine to be the basis for moral and political criticism, but not for differences in legal treatment. Second, my concept of insulated religious beliefs is, perhaps, more substantive than Professor Conkle's. I see certain substantive views—such as those described in the next paragraph of the text *infra*—as

a moral and political one. For while the use of such religiously based morality in politics may not be unconstitutional, it may nonetheless be illegitimate and worthy of public censure.

An effort to shape public policy in accord with one's own framework, religious or otherwise, ought to be accompanied by a willingness to subject that framework to challenge. A framework is therefore legitimately criticized—whether religious or not—if it operates in such a way as to insulate its believers from such challenge. Such insulation can take many forms. First, it could take the form of denying to opponents the basic respect on which any actual dialogue is premised.[37] As Seyla Benhabib puts it: "[a]ll argumentation entails respect for one's conversation partners; such respect belongs to the idea of fair argumentation; to be a competent partner in such conversation entails recognizing the principle of equal respect."[38] Without a recognition of the equal personhood of those who might challenge one's views, there is no realistic possibility that such a challenge could be met with openness. As a result, extreme racist, sexist, and homophobic views—whether based on religion or not—which deny such equal personhood to others are properly criticized as an illegitimate basis for public policy. My point here is not the common one that such attitudes are inconsistent with the basic assumptions of democracy. Rather, I am arguing that such attitudes are inconsistent with the fundamental responsibility to adopt a stance of vulnerability that is required for interlocutors in a post-Cartesian world.[39] In other words, the objection here is epistemological, as well as moral and political: these attitudes toward others make it impossible for us to attain the only kind of truth that is possible for us.[40]

A second form of insulation involves a kind of reliance on authority that makes it impossible for someone outside of the framework to challenge the framework. I do not mean to be pointing here to the fact that religious frameworks are based on faith; all ultimate commitments—whether understood as religious or not—may be based on faith. Instead, I am suggesting that some such commitments allow those who do not share them the authority necessary to challenge them, while others restrict such authority to believers, or even to a subset of privileged believers. Thus, one could be

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providing a freedom from challenge regardless of whether they are technically held as inerrant in Professor Conkle's sense. Finally, Professor Conkle draws the justification for his distinction from a particular model of democracy implicit in the Constitution, whereas my justification is epistemological and concerns the conditions under which the search for truth is possible.

37. *See* Robert Justin Lipkin, *Kibitzers, Fuzzies, and Apes Without Tails: Pragmatism and the Art of Conversation in Legal Theory*, 66 TUL. L. REV. 69, 110 (1991); Susan H. Williams & David C. Williams, *A Feminist Theory of Malebashing*, 4 MICH. J. GENDER & L. 35, 81-97 (1996).

38. SEYLA BENHABIB, SITUATING THE SELF: GENDER, COMMUNITY, AND POSTMODERNISM IN CONTEMPORARY ETHICS 31 (1992).

39. Cartesianism is the name often given to the mainstream tradition in Western epistemology, holding that human knowledge is a representation of an objective and external reality that is universally true for all people. *See* Alison M. Jagger & Susan R. Bordo, *Introduction, in* GENDER/BODY/KNOWLEDGE: FEMINIST RECONSTRUCTIONS OF BEING AND KNOWING 1, 3 (1989); Jane Flax, *Postmodernism and Gender Relations in Feminist Theory, in* FEMINISM/POSTMODERNISM 39, 41-42 (Linda J. Nicholson ed., 1990).

40. *See* Williams, *supra* note 29.

committed to a religious framework in which the meaning of moral precepts is and must be set only by a limited class of authorities within that religion—perhaps because only those persons receive direct communication from God—and thus no one outside could possibly offer an interpretation that could challenge that meaning. Such a framework can be legitimately criticized as inappropriate as a basis for public policy because it seeks to insulate itself from challenge by others who inhabit the shared political realm.[41]

Nonreligious frameworks can operate in a similar way. Certain forms of reliance on science to solve public policy questions may lead to a form of insulation if they effectively reject the possibility that those outside the scientific establishment could challenge the moral framework inherent in the scientific approach. Many, perhaps most, appeals to science do not explicitly require that outsiders are disqualified from challenging them, but they may often be used in practice to achieve that effect.[42] If such scientific frameworks are proposed as a basis for public policy, then their proponents must realize that they have an obligation to be open—in practice, and not just in theory—to challenge by those with alternative moral views.[43]

And with respect to the discourse of compassionate conservatism, I agree with Woodward that it is merely the shell of compassion. Attention to the underlying epistemological/political vulnerability that is the necessary moral stance helps to explain why the aspects Woodward identifies as missing are missing. The empathy, or compassion, that Woodward explores is one result of this stance of vulnerability. That is, it is this moral/epistemological/political position that allows for the experience of empathy. One must be open to the challenge posed by a different experience, willing to enter into it even at the cost of some pain, in order to experience empathy.[44] One must, in other words, be vulnerable. Without that vulnerability, empathy—along with a variety of other responses to different others—is impossible. Thus, the experience of compassion rests on a particular epistemological foundation: a vulnerability to challenge. If that foundational vulnerability is absent from this form of conservatism, then it is no wonder that it is incapable of actual compassion. As Woodward's analysis suggests, then, the issue here is not religion versus nonreligion; it is instead, real compassion versus a mere simulacrum, or more generally, real vulnerability versus the illusion of an insular security. The focus on religion in our public debate is a distraction that pulls our attention away from understanding and achieving the sort of responsibility that we need.

Our epistemological state, then, is parallel to our political state: we are always vulnerable and there are no guarantees that we can rely upon to make our safety certain. This is, of course, an intensely uncomfortable position and one that people understandably attempt to flee—thus the many frameworks, religious and otherwise,

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41. This second sense is closest to Professor Conkle's idea of inerrancy. *See* Conkle, *supra* note 36, at 10-11.

42. For a description and critique of this process, see Ruth Hubbard, *Science, Facts, and Feminism, in* FEMINISM AND SCIENCE 119, 125-30 (Nancy Tuana ed., 1989).

43. I also differ from Professor Conkle on this issue of extending the distinction to nonreligious views as well. *See* Conkle, *supra* note 36, at 23.

44. *See* Lynne N. Henderson, *Legality and Empathy*, 85 MICH. L. REV. 1574, 1583 (1987).

that we have devised to provide ourselves with a reason why we need not accept this vulnerability, why we can turn away from it and deny it. But the lesson that politics is about values, like the lesson that truth is also about values, teaches us that our most basic obligation—political as well as epistemological—is to accept our vulnerability. The security and certainty that we seek so desperately is itself antithetical to the dream of a pluralist democracy. We must accept our vulnerability, indeed, we must expand that vulnerability in ways that make us open to challenge from those we could otherwise choose to ignore. Only then will we fulfill the moral responsibility which is the only foundation on which our claims to truth and democratic legitimacy can rest.