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Book Review

MORAL CLARITY: A GUIDE FOR GROWN-UP IDEALISTS, by Susan Neiman¹

ANNALISE ACORN²

NOWHERE IS THE CALL TO “BE REALISTIC” more ubiquitous than in law schools and legal practice; nowhere is a commitment to ideals more at risk for being taken as a lapse of intelligence. Susan Neiman’s book, *Moral Clarity: A Guide for Grown-up Idealists*,³ should, therefore, be of considerable interest to those who want to resist the cynicism of legal culture and who believe that law is—and should be—about justice and changing the world for the better. The book provides solid intellectual backing for all who aspire to use their intellects and life energies to identify and close the gap between “is and ought,” and this is no less so for lawyers who hope to enlist the law in that endeavor.

Neiman masterfully takes on the champions of moral relativism—thinkers who have powerfully influenced not just philosophy and politics, but also the legal academy. To Michel Foucault’s question: “Isn’t power a sort of generalized war which assumes at particular moments the forms of peace and the state? Peace would then be a form of war, and the state a means of waging it,”⁴ Neiman replies: “Where is Orwell when we need him?”⁵ George Orwell would have blasted Foucault for presenting this vision of state power—not as the terrifying nightmare that Orwell’s *Nineteen Eighty-Four*⁶ warned against, but as just another erudite, morally-neutral, post-modern observation. Perhaps

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1. (Orlando: Harcourt, 2008) 467 pages [Neiman, *Moral Clarity*].
 2. Professor of Law, University of Alberta; author of *Compulsory Compassion: A Critique of Restorative Justice* (Vancouver: UBC Press, 2005).
 3. *Supra* note 1.
 4. *Ibid.* at 61.
 5. *Ibid.*
 6. (London: Penguin Books, 1949).

Orwell would have gone on to say that any fancy-pants intellectual who could toss off such a thought with equal measures of nonchalance and pretentiousness ought to have spent a little time in one of Stalin's gulags to learn the difference between is and ought, and the importance of separating the two.

Though many academics wish to resurrect Foucault, Susan Neiman may be our best bet if we are looking for someone to revive Orwell. She is a Leftist who lambastes the Left. Though she did not live down and out in Paris and London, she did live as a young Jew in Berlin in the 1980s, voluntarily braving direct contact with *Vergangenheitsverarbeitung*, the Germans' struggle to work through the horrors of their past. Despite their common Leftist roots, Neiman is a philosopher, where Orwell was a literary critic. For both, however, academic expertise is instrumental to the larger project of intelligent and intelligible engagement with the issues of our day. Neiman's book, *Evil in Modern Thought: An Alternative History of Philosophy*,⁷ gave philosophy a break from abstruse epistemological hand-wringing and reoriented philosophy to its real roots, grappling with subjects ranging from the inexplicable human suffering caused by the 1690 earthquake in Lisbon, to the horrors of Auschwitz.

Like Orwell, Neiman laments the chasm between the admirable goals and vapid ethos of the Left. Orwell thought socialist sandal-wearing and vegetarianism drew the wrong crowd. In *Moral Clarity*, Neiman argues that what understandably puts sensible people off the Left is its awkward embarrassment about values. The Right is not right about virtue. But what makes it more successful at winning people's "hearts and minds" is that those on the Right "aren't ashamed to take [words such as 'evil' and 'hero'] in their mouths."⁸ In Neiman's eyes, it is not granola eating that makes Lefties unappealing; it is more the way they are prepared to adopt goofy, self-deprecating mannerisms (including "scare-quotes") every time they say something that might convey a conviction about values.

Neiman's project is to redeem the Left and remake it a viable, energizing alternative for smart people who both scorn the esoteric excesses of identity politics and post-colonial studies, and recognize that "[t]he relativism that holds all moral values to be created equal is a short step from the nihilism that holds all talk of values to be superfluous."⁹ As frustrated as she is with the failures of the Left,

7. (Princeton: Princeton University Press, 2002).

8. Neiman, *Moral Clarity*, *supra* note 1 at 18.

9. *Ibid.* at 8.

Neiman, like Orwell, refuses to turn her back on it because the Left is where “the heart beats.”¹⁰

Neiman grew up in Atlanta in the 1960s and later went to Harvard to study Immanuel Kant. The two enduring inspirations that suffuse her work are the civil rights movement and the Enlightenment. Her belief that progress is possible is grounded in her memories of the dramatic changes that took place in the American South—changes that were brought about by brave individuals who knew their values and who (afraid though they may have been) stood up for those values in the face of real threats. Her detailed understanding of the Enlightenment provides her with blue-chip philosophical credentials for the view that progress is neither impossible nor inevitable. Her book and her sensibility thus have remarkable resonances with the American idealism revived by Barack Obama’s presidency. “Yes we can” is a phrase that could punctuate much of Neiman’s thought. She is resolute in reminding the reader that success requires both choice and action. Neiman insists that we are confronted with real signposts of both hope and despair: we have concrete evidence of improvement in the rights of women and minorities that was unimaginable two hundred years ago, but we also have concrete evidence of global warming. Belief that progress is possible is a necessary condition of change.

Moral Clarity is framed around two sets of oppositions: (1) morality as obedience to authority versus morality as grounded in rationality; and (2) justice as the power to help your friends and hurt your enemies versus justice as inextricably tied to the demand for universality. Neiman’s exploration of these dichotomies will be considered in turn.

Drawing from Biblical examples, Neiman argues that Abraham’s willingness to obey God’s command to kill his son, Isaac, at Mount Moriah typifies morality as obedience. Abraham’s willingness to question God’s decision to annihilate all of Sodom and Gomorrah, on the other hand, typifies morality grounded in a rationality to which even God is subject. Though George W. Bush does not come close to Abraham (on either scale of ingenuousness or tragedy), Neiman cites Bush’s claim that he invaded Iraq because God told him to as one example of the kind of bad morals that can come from blind obedience. Suicide bombing is another. As such, Neiman, like Kant, was outraged by Abraham’s willingness to murder Isaac. Kant thought that “Abraham should have reflected, and concluded

10. *Ibid.* at 20 (quoting Jean Améry).

that anyone who asked him to do *that* could not be God.”¹¹

Abraham at Sodom is a very different, rational man. Making God his pupil, Abraham points out with all due diplomacy that it is not okay to inflict “collateral damage” on innocents when you punish the guilty.¹² Abraham begins by asking God if he would spare the city to save forty innocent people, and he bargains God all the way down to ten. At Sodom, Abraham has an attitude toward religion of which Kant would have approved: “He is reverent but not deferential, for his faith is based on his moral backbone, not the other way around.”¹³

Neiman, however, thinks the guilty among the Sodomites had it coming. According to Neiman, it was not sodomy that got them in trouble. Their crime was actually the threatened gang rape of two strangers who were staying with Lot and who ought to have been able to rely on ancient Mediterranean rules of hospitality. For Neiman, the real culprits “merit[ed] annihilation”¹⁴ just as much as the innocent Sodomites deserved God’s protection. This gay-friendly interpretation of the story is arresting, but not entirely convincing. After all, the guests who were threatened with gang-rape were *male*. Would God have fired up the brimstone over the gang rape of female guests? Lot, however, remains a sympathetic figure for Neiman, even though he offered the rapists his virgin daughters as alternates. The daughters were neither guys, nor guests. But it is not clear which attribute made the women preferable prey for the rapists in Lot’s (and presumably God’s) eyes. Regardless of these difficulties, Abraham at Sodom also receives credit as an exemplar of the necessary connection between justice and universalism.

Neiman then turns to Plato’s *Republic*¹⁵ to find exemplars of justice as the power to help your friends. Neiman identifies the wealthy and influential Xerxes with the view that justice is helping your friends and hurting your enemies. She also cites Thrasymachus’s view that justice is merely “ideas used by people in power to maintain their power.”¹⁶ Throughout her work, Neiman shows how theorists from Niccolò Machiavelii to Karl Marx, and from Carl Schmidt to

11. *Ibid.* at 10.

12. *Ibid.* at 3.

13. *Ibid.* at 10.

14. *Ibid.* at 2.

15. Trans. by Paul Shorey in Edith Hamilton & Huntington Cairns, eds., *The Collected Dialogues of Plato, Including the Letters* (Princeton: Princeton University Press, 1961) 575.

16. Neiman, *Moral Clarity*, *supra* note 1 at 50.

Michel Foucault, have played upon variations of Xerxes's and Thracymacus's themes. Using these themes, Neiman indicts American foreign policy as the most flagrant practice of Thracymacusean theory in the history of the world to date, and argues that the American refusal to join the International Criminal Court proves the point.

Much of *Moral Clarity* also serves as a defence of the Enlightenment. What the Enlightenment gives us, in Neiman's view, is a foundation for being actively optimistic, while also being rigorously savvy and relentlessly willing to look the world in the eye without flinching. Neiman proposes a method of "using Enlightenment skills to solve problems it couldn't imagine."¹⁷ But, as an astute interpreter of Enlightenment philosophy, she also gives us encapsulations of Enlightenment ideas that will interest those who do not read philosophy and still engage those who do.

The Enlightenment, argues Neiman, did not give us a Panglossian understanding of the omnipotence of reason. There were many Enlightenment thinkers who were flatly opposed to conventional rationality. She quotes David Hume's famous line: "Reason is and ought to be the slave of the passions,"¹⁸ and Denis Diderot's: "I forgive everything that is inspired by passion."¹⁹ Ultimately, however, Neiman turns to Kant for a conception of reason that is more than either a "calculator" or a "fishnet."²⁰ Neither a Humean rationality that merely provides strategies for reaching goals set by passion, nor one that just gathers information will do. Neiman believes that Kant gives us a practical understanding of reason that helps us both to see the difference between is and ought and to work toward bridging the gap between them. Reason allows us to go beyond the world as it is given to us. It is this aspect of reason that really qualifies it as *the* distinguishing characteristic of humankind. Reason generates ideas about how things ought to be.

Naturally, Neiman has to answer charges that Enlightenment universalism is inherently racist and sexist. Though she admits to the degrees of bigotry in Enlightenment thinkers (John Locke and Montesquieu being two of the worst, Diderot one of the most truly egalitarian), Neiman also concedes that Enlightenment universalism excluded many and maybe even most. She judges that Enlightenment chauvinism ran deeper in matters of sex and class than in matters

17. *Ibid.* at 252.

18. *Ibid.* at 185.

19. *Ibid.* at 180.

20. *Ibid.*

of culture or race. Ultimately, however, for Neiman, the master's tools will dismantle the master's house.

Like the Enlightenment, Neiman is neither completely pro-reason, nor utterly anti-religion. Neiman commends the religion rooted in reverence and gratitude that sounds in the voice of the wisest man in El Dorado—the mythical land of Voltaire's *Candide*²¹—who “thank[s] God continually.”²² Neiman sees music as potentially the deepest expression of human reverence.²³ Thus, she prefers the kind of reverence behind the alternative proposal for the message to be sent into space on the 1977 US Voyager spaceship: instead of “greetings in fifty-five languages,” send “Bach, all of Bach, streamed out into space, over and over again.”²⁴

As much as she applauds thinkers who maintain reverence for the divine, while being scathingly irreverent about the church (such as Voltaire and Jean-Jacques Rousseau), Neiman also comprehends why fundamentalist religion that asks for blind obedience is gaining ground in both Christianity and Islam today. Our secular critiques of faith take aim at religion as though it really is as Marx described it: the opium of the masses. But, as Neiman points out, buying into fundamentalism both gives and takes away a sense of freedom. It makes the believer feel passive in some ways, while vitally active in others. Here, again, Neiman's knowledge of the classics leads her to remarkable insight. She has actually read Marx. She gives us the whole of the quotation in which he calls religion not just the opium, but the “enthusiasm” of the world, and “its spiritualistic *point d'honneur*.”²⁵ Marx wrote: “Religion is the sigh of the oppressed creature, the heart of a heartless world, just as it is the spirit of spiritless conditions.”²⁶ Neiman's response is, “Sitting in the local library, Marx may have got his drugs wrong. In his account, religion is anything but a sedative; it sounds more like cocaine. In Marx's description, religion is the force that keeps the world awake.”²⁷

In her defense of the Enlightenment, Neiman deals many a knockout punch to those who blame the period for everything from the Holocaust to Hurricane

21. Ed. by Daniel Gordon (Boston and New York: Bedford & St. Martin's, 1999).

22. Voltaire, cited in Neiman, *Moral Clarity*, *supra* note 1 at 237.

23. Neiman, *Moral Clarity*, *ibid.* at 231.

24. *Ibid.* at 231.

25. Karl Marx, cited in *ibid.* at 95.

26. *Ibid.*

27. Neiman, *Moral Clarity*, *ibid.*

Katrina. She takes aim, for example, at John Gray's supposedly steely rejection of Enlightenment ideals and his pose of tough-minded realism. To Gray's insistence that we must face bleak Hobbesian facts about human nature, Neiman retorts: "It is no less a fact that some men risk their lives to save strangers in a city subway as it is a fact that others run amok to push strangers before an oncoming train."²⁸ To Gray's claim that Al Qaeda is a modernist organization (and, hence, that the flightpath to 9/11 was charted by the Enlightenment), Neiman counters: "The medium turns out not to be the message."²⁹

But is this book really a guide for grown-up idealists? When a chapter entitled "Happiness" zooms from the subject of the Book of Job to Captain Cook, from the hostilities between Rousseau and Voltaire to Rousseau's preference for rustic mountain pleasures and Voltaire's for the salons of Paris, it is easy to get a little turned around. If it is a guide, *Moral Clarity* is more like a GPS steering you through Cairo at top speed than it is a moral map for dummies. The real problem with the book's subtitle, however, is that it strikes too pedagogical a tone. Neiman is at her best as a rigorous thinker, as an agile wit, and as a sharp observer of the world. She writes vividly about the relevance of philosophy to today's problems, so she does not need her occasional slips into condescension, nor does she need the excessive modesty in which she sometimes indulges. She would be better off to give us her analysis straight-up. She is too careful a philosopher to be a good preacher, and she is too powerful a thinker to be a credible pussyfooter.

Nevertheless, Neiman does show us precisely where *not* to look for moral clarity. Blind obedience and might-makes-right are not the only dead ends. Perhaps the greatest contribution of her book is its deft demonstration that our current tastes for realism and self-interest as stand-ins for morality are flawed in theory and dangerous in practice. To take on the claim that what appears to be morality is really self-interest, Neiman turns to the evolutionary psychology of thinkers such as Robert Wright, Steven Pinker, Richard Lewontin, and Melvin Konner, who identify the gene pool as responsible for morality and seek to reinterpret all altruism as disguised efforts toward promotion of the species. Neiman points out that, while it is obvious that morality and self-interest overlap much of the time, morality survives long after the two part company. With a remarkable grasp of the literature on evolutionary psychology, Neiman demonstrates

28. *Ibid.* at 30.

29. *Ibid.* at 254.

that Rousseau's delightful quip, "Let us begin by setting aside all the facts, for they do not affect the question,"³⁰ holds true not just for philosophical debates about the state of nature, but also for scientific claims about what was adaptive for the species tens of thousands of years ago.

Neiman also trounces standard appeals to John Hobbes as the incontrovertible authority for the view that human nature is just plain mean. She makes short work of Robert Kagan's claim that Americans are Hobbesian, and Europeans are Kantian. She reminds us of the resolute idealism of the United States: "Give me liberty or give me death."³¹ She also gives us fascinating historical and biographical insight into why Hobbes would have seen human nature as he did: "Fear and I were born twins,' the philosopher wrote of his premature birth in England in 1588, when his mother went into labor on hearing of the approach of the Spanish Armada."³² Neiman makes a number of references to the biographies of philosophers and elegantly relates the facts of their lives to the substance of their thought.³³ Her description of Hobbes's precarious life reveals his take on human nature as radically contingent, not an immutable truth. Neiman probes Hobbes's contemporary appeal and asks why it feels so good to so many to think of ourselves as so bad. The answer? It is relaxing. If we are rotten to the core, then there is nothing we can do.

In the end, it is Neiman's Kantian notion of a grown-up that is at the core of this work, and it is far richer than the dour reprimand to "grow up" would suggest. Neiman's view is anything but a call for resignation or to tone down one's expectations of life. Instead, "Growing up is a metaphor Kant used for his own philosophy, and he returned to it often ... Grown-ups navigate a narrow way between hope and despair, and it's the recognition of how often we founder that saves this view from sentiment or kitsch..."³⁴ In the end, perhaps Neiman's book unwittingly proves that "a guide for grown-up idealists" is an oxymoron. But it also proves that the injunction to "be more free" is not. This insight and the scholarly support that Neiman gives it make her book essential reading for the progressive lawyer.

30. *Ibid.* at 245.

31. *Ibid.* at 36 (quoting Patrick Henry).

32. *Ibid.* at 28.

33. Did you know that the day Kant heard the news of the French revolution and the day he first read Rousseau were the only two times he missed his daily walk? See *ibid.* at 127.

34. *Ibid.* at 147-48.