

The Shibboleths of Social Justice and the Future of Inclusion¹

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As among other things an academic philosopher and someone who is a great lover of freedom as well as free and open discourse about public policy and the issues of the hour, I have for many years been concerned with things that interfere with such open discourse. Certain impediments to discourse are what can be called Shibboleths.

A Shibboleth is any word or, more broadly, any practice or action that identifies members of a group. It comes from a Hebrew word that literally means "ear of grain" or, alternatively, "torrent of water." That may sound innocuous enough, but it has a darker history and Shibboleths carry implied and serious consequences. In the Biblical book of Judges, pronunciation of this word was used to distinguish members of a group (in this case, the people of Ephraim), whose dialect lacked an "sh" sound, from members of another group (in this case, the people of Gilead) whose dialect included such a sound. In Chapter 12 of the book of Judges the tribe of Gilead defeats the tribe of Ephraim in battle. Some Ephraimites crossed secretly into Gilead's territory to escape retribution. In order to catch and kill the disguised Ephraimites, the Gileadites put them to a simple test:

The Gileadites captured the fords of the Jordan leading to Ephraim, and whenever a survivor of Ephraim said, "Let me go over," the men of Gilead asked him, "Are you an Ephraimite?" If he replied, "No," they said, "All right, say 'Shibboleth'." If he said, "Sibboleth," because he could not pronounce the word correctly, they seized him and killed him." We are told that Forty-two thousand Ephraimites were killed at that time.

Today, Shibboleths, connected with identity politics, the culture wars and ever dwelling at the heart of a concern that one Princeton philosopher takes up as an ethical problem -- "the ethics of identity" -- is any word or phrase or action that can be used to distinguish members of a group from outsiders, and in its more troublesome form it can be used as a test of authenticity or right to claim oneself the member of the group.

This can be problematic in a Democracy, even as group memberships are things we can never do without and would never want to. But it is one thing to be a member of a group, and another to be silenced by the bonds of loyalty where such silence leads us to violate important principles. Shibboleths are not merely the language of the tribe, if you will, but are instead attended by fear of retribution of some kind, and can be better described as totalitarian rather than Democratic.

Let's examine, for example, how progressives and conservatives use words to identify themselves and how words come to change meaning over time. Progressives and conservatives identify themselves, to one another and to others, by the vocabularies they employ in public discourse. So, for example,

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progressives often use and give greater prominence to words or phrases like “social justice” and “diversity” and “rights” and “tolerance” while conservatives use and give greater prominence to words like “duty” and “patriotism” and “merit” and “values.” Each side has its own constellation of words that it uses to join and drive its respective political and social philosophies, and that constellation is consulted as an astrologer consults the literal constellations for guidance and orientation. Each vocabulary, each constellation of words and phrases, helps express and keep alive a certain world view. The words and ideas to which progressives and conservatives commit reflect their general views about how a political community should be ordered and what its members may expect, and even expresses underlying views about the very meaning of life itself. So once you begin to understand how their respective vocabularies are employed and how the words are related to one another (which is sometimes not easy to do), you as a progressive or as a conservative can understand a great deal about how the other side thinks, even where you do not agree with it. This is a very important insight, one which I borrow from the cognitive scientist, George Lakoff, as it can help us explain a great deal about the nature of the commitments of other people, even people with whom we may disagree profoundly. Further, it can help us understand somewhat better the nature of our own commitments. That greater understanding can lead the way to the possibility of the type of robust love ethic that I think the world needs and toward which Democratic practices point and which they only foreshadow, and can remove the fragmentation and factionalism that party and ideological affiliations can create. But I digress a bit.

Of course, all this constellation stuff can get complicated. At times, words get claimed by both sides for inclusion in the respective constellations. Take the word “inclusion.” The word “inclusion” has meanings which overlap in the minds of progressives and conservatives, but the word is also used differently and its meaning is qualified by each side because it is qualified by other words in the respective constellations. Thus when it seems that a progressive or a conservative is using the word “inclusion” in a way that makes it seem that each side has a different understanding of what “inclusion” means, it may be that they in fact do have very different understandings, and so are talking past rather than talking to each other. This is because the word “inclusion” has both permissive as well as proscriptive meanings, as do other words in the respective constellations. This is a bit of an over-generalization in the interest of time, but when progressives deal with issues of “inclusion” in the public square they tend to come at it as meaning, generally, “acceptance” of the other as other, with his customs and commitments, whereas conservatives come at the word as meaning “integration into” a form of life that pre-existed the arrival of the one who seeks to be included, and which must survive such integration. “Inclusion” is a word that is very important for both sides, but its meaning is conditioned and qualified by world views and hierarchies of values that are created and represented by the respective constellations of words and the ideas they come to represent. Each side lifts up the attendant notions embedded in the word “inclusion” that best fit within its own constellation, and thus with its own world view. They minimize or suppress the other notions as distractions or as not necessarily relevant.

For the most part, our commitment to our particular constellation of words and ideas can be useful. It helps us express, efficiently, what it is we believe and who we are as social actors, at least for the most part. It orients us in social space, just as a literal constellation orients a sailor in physical space. However, there are those times when constellations collide or when circumstances stress our respective world-views. These times can be very, very uncomfortable, and warrant the rallying of our moral courage and deliberative skills. When this happens we are forced to rethink just what some of those words actually mean, or consider that they must be further qualified in one way or another, or we must see the merit in the way they get used in the other fellow’s constellation.

During the Civil Rights Movement, for example, it was easy to point out instances of human and civil rights violations. Moral compasses were easier to read where such flagrant affronts to justice and human dignity existed. Policies and actions that sustained Jim Crow were clearly wrong, as was slavery before it,

which made the fall of both predictable and inevitable even if long overdue. Thus those who wanted to maintain Jim Crow, now in its death throws, were forced back upon themselves by a wave of inexorable moral force, and compelled to search for a vocabulary that was not so blatantly racist and not so easy to attack. That is, they were forced to rethink certain words that were part of their constellations – words and phrases like “boy” and “colored fountain” and “nigger” and “separate but equal.” Their constellation of words and ideas (and actions) being forced into an ever deeper crisis, they reached for more *per se* legitimate words and ideas – “states rights” for example, which asserted constitutional ideals about the right of small political communities (being closer to the source of all rights, the “individual,” who is the one, after all, endowed by the Creator with inalienable rights) to assert themselves against the tyranny of a central and impersonal and derivative national power. Of course, this quite legitimate notion of “states rights” – a notion that is deeply embedded in the political philosophy that informs the Constitution – was easy to see as a convenient cover for continued abuse of some citizens by others. Thus, “states rights” became a loaded phrase, a code phrase that one utters at considerable risk in many circles, even though the political philosophy that it expresses can be seen as quite tenable in view of the need to protect the citizenry from a tyrannical central power. Arguably, states rights, on reflection and ultimately, means the right to revolution in the face of such tyranny on the one end of the spectrum, and on the other end means the right to, at a minimum, check the illiberal decisions of the federal government when it has grasped for too much power. And so the expression “states rights” pertains to New Hampshire and Maine as it pertains to Mississippi and Alabama.

But the taint of racism and hatred have been placed on the construction “states rights,” and so when we hear the expression we are wary, and many of us cling to what we perceive as a benign and protective central power in the form of national government and sit at the feet of Lincoln, our protector. And, let us be clear, we have good historical reasons for doing so. But consider that today we may be faced with a growing movement towards abusive central or national power, rather than wayward and malicious *state* power, and may see that in such things as the PATRIOT Act, in CoIntelPro, in proposals like Total Information Awareness, in actual data mining and warrantless wire tapping by national agencies, and in the federal campaigns of fear that make such things possible, that we may one day soon need to reconsider our permanent commitment to a favorite and specific level of government, and adopt with respect to such commitments the basic lesson of life to be found in the words of Lord Palmerston when he said of nations that they “have no permanent friends and no permanent enemies, only permanent interests.”

We as Democrats with a capital “D” have no permanent friend in the form of any level of government, nor, likewise, in any work-a-day political philosophy, but our permanent interests as Democrats require of us a larger soul and a loftier moral vision, and these require of us, in turn, that we shake-off our fear to speak truth to power. Now, that power is not always the power that you may think. That power is often and even more potent than principalities. It is none other than the power of social public pressure that can sometimes have us make a mockery of our Democratic ideals and honest personal commitments. Sometimes, we must refuse to utter the Shibboleths of our own political or ideological clans, whether we are progressives or conservatives, because that to which we are committed is to higher moral purposes, and not to mere constellations of words and ideas, however useful most of the time. To do otherwise is to engage in a form of political or partisan idolatry, sacrificing the greater to the lesser. **There are those of us for whom it is better to sail by a starless sky, at least for a while, than to sail by lights that would in fact put out our eyes.**

Recently the word “citizen” – a good and generally unproblematic word – was heading, it seemed to me, toward the fate of the phrase “states rights” in terms of its becoming charged with a kind of unprogressive and negative energy. This was in the context of the recent debates on immigration, which is, ironically, a debate about access to the status of “citizen” in the United States. It was as though those of us who were

defending the rights of “citizens” were being accused of wielding a kind of classist and elitist club against those who were not citizens, and were denying them “inclusion.” Progressives who had real questions about some of the things they were hearing from other progressives were wondering whether there was something wrong with their constellation, something that had somehow made “citizenship” a term of moral and ethnic *exclusion*, and *I sensed that many of us began to bite our fingernails*. We did not, after all, want to be “exclusionists” after all, and so have to give up our progressive credentials.

Holding “citizenship” suspect, it seemed to me, to strain the meaning and power of “citizenship,” to cast it into a bad light, to make one use it as the basis to harshly and ridiculously criticize their status as Americans, whether they were born here or naturalized, as two Russian friends recently were, was the last thing we needed. And holding forth against such a bedrock concept would erode our credibility in the public square. The meaning of “citizenship” has been under enough strain. At a time when the apathy of the electorate seems to be at an all time high, when we can watch our nation go to war for the flimsiest of reasons and say almost nothing in protest, when we can twice elect a mere empty suit to the highest office in the land, when students are unable to place Vietnam on a time line within a decade of the actual events and when their knowledge of their own nation-state leads them to conflate Jefferson Davis and William Jefferson Clinton, and confuse George Washington with George Washington Carver, it is becoming ever clearer that the narrative thread – the good stuff and the bad stuff – that gives us a *common* identity as a people, as well as common rights and common duties, is in jeopardy. We have taken too much for granted, and so too have we have taken even the very concept of citizenship casually, as a given, as having a value in our lives that is on par with our favorite color or the next destination for our summer vacation. I say these things as, oddly enough it may seem, a moral and political cosmopolitan, one who thinks that we owe a duty not merely to our own political communities, but to humanity as a whole, and I say these things as someone who believes that we would all do well to see ourselves as citizens of the world as well as, more concretely, citizens of particular political communities currently called states. The two are not mutually exclusive. So I am no super-nationalist, but assume the value of my citizenship in this place called the United States and applaud Venezuelans and Bajans and Canadians who feel the same way, who have a sense of home and of place and a sense of a need to preserve them.

It is no wonder then that this trivialization of and miscomprehension of citizenship infused many of the recent immigration debates. This was especially apparent when I heard the arguments offered up by fellow progressives on May 1st concerning a national day of protest by undocumented workers. It was a very sad moment. Framed, cleverly, in the inappropriate language of civil rights, borrowing from the vocabularies of our progressive constellation, and framed as a matter of “immigration” and “immigration reform” and “immigrant rights” – which had little to do with the actual facts – those workers and their supporters took to the streets offering up a string of arguments that could only be described as uniformly fallacious. And so on that day I prepared an analysis of those arguments, as I wrestled with myself, with my own desire to see those coming to our country in dire need gain the access that would or might provide them decent lives. I decided to take on the fallacies one by one, partly in the hopes that my progressive brothers and sisters would rethink their approach and not wind up making life worse for those they were trying to help, and partly in a desperate need to think through a completely different policy approach to the problem. Here is a sample of what I wrote:

*Fallacy*² *Those that argue for the rule of law are heartless or have hidden motives.* This may be true of certain people. But every country in the world has the right to control its borders, and

² Although philosophers maintain a list of specific fallacies, as used here, the word “fallacy” refers, simply, to an error in reasoning, a failure to think things through in view of other variables that simply have to matter, even to the proposer of the idea.

there are powerful legal and moral arguments to support that position. This is neither a progressive, nor a conservative position. To argue the contrary is to attenuate the very meaning of citizenship and the nature of a commonwealth. I do not think it morally tenable (at least not necessarily) to impute a lack of compassion to those who care about the rights and status of citizens and citizenship, whether in the United States or elsewhere.

Fallacy. Undocumented persons have the same rights as citizens. The same human rights, yes, but not all of the same civil rights. Ill treatment of human beings, whether citizens or not, violates widely accepted moral norms and thus violates their human rights. The physical and verbal abuse too often suffered by undocumented workers, for example, cannot be justified. But undocumented people cannot, without an extreme relaxation of the meaning of citizenship, be thought entitled to all of the rights and privileges as a country's citizenry which is committed to its national defense, to its material prosperity *via* its tax system, and to duties of reciprocity between the members of the citizenry and between each citizen and the state.

Fallacy. Undocumented workers contribute to economic growth. Labor being one of the largest costs of any business enterprise, any person who is hired under terms that obligate the payment of a wage below the minimum wage (and without benefits) will mean greater "profits" for the business. Assumably, those "profits" enter the economy as savings, investment or spending (although, in fact, much of it is remitted). "Economy" being an abstraction, it cannot differentiate between legitimately earned income and illegitimately earned income. Those that make the argument that undocumented workers contribute to economic growth fail to see that slavery was beneficial to plantation owners and other for-profit enterprises (and to the national and regional "economies" so-called) for many of the same reasons, and many of the same arguments were made in defense of the slave system. It is true that the analogy between undocumented workers and chattel slaves is not a perfect one. The analogy is not intended to equate two groups of laborers, but to shed light on the *illegitimacy* of an assumption that economic growth *can* depend, tenably, upon illegal and/or immoral activities, regardless of their natures. There are legitimate business practice and legitimate economic growth. What is illegitimate is usually called by hard names, such as racketeering, organized crime, trafficking, etc. The argument for economic growth does not hold either as a legal or a moral argument. It is based upon the presupposition that economic growth is good regardless of its source, that street trafficking in illegal goods or services is as good as the opening of a shoe store or medical clinic in the community. Such an argument should be rejected.

Fallacy. Undocumented workers contribute to the tax base. This is true. Every undocumented worker that buys an item in a store, for example, is paying sales tax (where there is such a tax). So does every law-abiding citizen, as well as every criminal, every tourist, every diplomat etc. This argument presupposes an ends-justifies-the-means approach to the tax system. Americans should neither rely upon, nor seek tax revenues by illegitimate means. The tax system must be based upon, and measured against, certain presuppositions of lawful transfers of wealth and legitimate income. An argument that presupposes the virtue of illegitimate sources of tax revenue can be extended to justify narco-trafficking, chop-shops, and other illegal enterprises, all because they might or do "contribute to the tax base." In fact, all of these do contribute, in one way or another, to the tax base. They should not.

Fallacy. Undocumented workers should flex their muscle and show how powerful they are. Today is a day on which some have called for a sort of strike, whereby undocumented workers are asked to refrain from going to work in order to show their value and importance to the economy. According to news accounts, this has led to silence on construction sites and in the workplaces of

large companies (some of which are public companies). Given the above, it is hard to disagree with the basic sentiment voiced by those who say that this amounts to extortion or blackmail. It is unadvisable, on moral grounds, for undocumented workers to press their case in this manner. They are in the country illegally and the country has every right to (if not the practical means to) ask them to leave, and to take their labor with them. I hasten to add that this is *NOT* something I wish to see happen, but those that are "flexing their muscle" in this way are on some very thin ice from moral and legal perspectives. It does not follow from the fact that there are many who are sympathetic to their plights (as I am) that this form of protest is justified.

And so on.

Now, I supposed that there would certainly be some who would see in my arguments the wholesale violations of my credentials as a progressive, for I have violated all of the Shibboleths of "inclusion" that good progressives are supposed to utter to remain a part of the clan. I received some feedback. One e-mail was extremely hostile and called me all kinds of names – that is, until I pointed out to my critic that he had not done what I asked him to do in the very beginning, which was to read the piece all the way through to the end. The other response was from a woman I met at UC Berkeley when I was attending a conference on progressive religion there last summer. She wondered whether I wasn't revolutionary enough, whether I shouldn't also take into consideration US policies in Central and Latin America that helped to create the poverty that has led to the larger movements of people northward. I told her that I had and that I often and frequently give thought to the policies of our government all around the globe – policies that have led to, for example, bombs going off in Tel Aviv coffee shops, rocket attacks into Gaza, and planes flying into New York Skyscrapers – all things tied to, in some way, Western imperialism, white supremacist ideology, and Euro-American hegemony. She seemed comforted that I was able use "imperialism," "white supremacy" and "hegemony" all in the same sentence and mean what I was saying, thus, I suppose, reestablishing some of my credentials. But, I told her in reply that one has to know the nature of the immediate problem as well as the systemic policies and morally deficient leaders that and who drive the world's chaos. There is a time to talk about grand and sweeping evils, and then there is a time to talk turkey, how to affect the current policy at hand. Too many progressives and most leftists, I have found, do not know how to make this distinction anymore.

I certainly did violate the shibboleths all right. But here is what I offered-up instead. What is before us, I said, is not a question of immigration, but a question of the degree of our compassion toward those whose condition would seem to make them legitimately termed "economic refugees." It was clear to me that the framework of immigration was inadequate and inappropriate for what we were seeing, especially concerning Mexico. I believe that our nation, as any nation, should indeed protect its borders, not merely because good fences make good neighbors in certain contexts but also because the human tragedies being created by not protecting them break our hearts. These range from people dying in the deserts of Arizona and New Mexico to families being wrenched apart to millions of people living in daily fear of deportation to Americans footing a very large bill without being consulted, a democratic travesty. But as you, I can hold two thoughts in my head at the same time, and I also believe that the richest nation on earth has a substantial moral obligation to help Mexican and other refugees who are in dire need of food and clothing and shelter for their families, and in dire need of the dignity and spiritual sustenance that work affords. I desperately want my country to be deeply compassionate and give of its treasures, but I also know that my country's treasures in part derive from its systems and forms of government, its democratic practices (however imperfect), and that what needs to happen is a national conversation about Mexican (and other) economic refugees as such, removed from the bad framework of "immigration reform." If we think the 12 or 13 million illegal and undocumented persons now here can increasingly contribute to the commonwealth, as so many have argued, then the question only becomes the shape of the policies needed to assist them and to assist others who seek refuge within our borders. Our compassion does not require

us to be fools and sacrifice our democratic ideals and the rule of law because of the tug of mere sentiment and the fear of violating the vocabularies of our political constellation, or of mispronouncing the Shibboleth. Even the Good Samaritan did not forego his own business after he brought the pummeled stranger to the inn for rest and treatment. Our compassion cannot entail turning our backs on the meaning of citizenship and on those who have paid a dear price for it, as we watch others violate the laws of the land and arrogate to themselves a false right to it simply because they crossed the border. The incoherent debate is incoherent precisely because it was framed badly, as a debate about immigration policy rather than as one that concerned the need to expand our policies concerning economic refugees. The acceptance of refugees ties directly to our moral largesse as a people. The fair treatment of the stranger, of the refugee, is an injunction that flows from the morality of our Judeo-Christian heritage and our deep philosophical commitments as a nation. By granting many newly arrived Mexican illegals, for example, the status of economic refugee we would be able to shelter them with immediate legitimacy, granting them limited rights and immunities for a period of time set pursuant to proper public deliberation and debate, whereby the citizenry would have had the opportunity to be heard. This would not mean we would accept all, but would have a legitimate and morally coherent mechanism for accepting many, first honoring them as our national guests, and then moving them into the proper immigration channels for the status that best suits them and the country.

All this said, I am no fool. It is true that there are many Americans who would not wish to see such an economic refugee program applied to Mexicans or Haitians or other persons in dire need of assistance. For one thing, this might require that they be paid at least a minimum wage and be granted benefits, something that the various business lobbies do not want to see happen because all they care about, despite their blather, is the cheapest labor possible. Further, there are those who mistakenly believe that the thing that makes America great is that its primary language is English and that the skin of those who still operate from privilege and inherited wealth should continue to have a lighter hue than the skins of many we might let in, who hail from a native American (including so-called Mestizo) or slave ancestry. The latter (people like Pat Buchanan and Peter Brimelow) fear the browning and linguistic corruption of America, as though the greatest evils ever conceived of by the human species were not conceived of and perpetrated by our fairer brothers and sisters, as though the core American ideals cannot be as well expressed, as they may one day be, in Spanish or Portuguese or Mandarin.

In conclusion, I use the current controversy concerning so-called immigration reform as but an object lesson in the dangers of self-censoring from Shibbolithic fear. Bad policies are sure to follow. The Alien and Sedition Acts of John Adams, the internment of Japanese-Americans, and the fugitive slave laws (to name but a few sick and misguided public policies) followed the failure to speak-up when it was time. One of the most pernicious things that can exist in a Democracy is the truncation of honest and reasonable discourse, a truncation that is often driven by fear of breaking faith with the ideological, or so-called racial or geographical (or whatever) clan. It is true that it can be unwise or inappropriate at times to fail to advocate for one's positions by saddling them with too much nuance. But that strikes me as a question of strategy more than substance. When we fear to speak, in our deliberations as citizens, because we may be castigated as inauthentic or disloyal, we ourselves then contribute to bad policy and to conditions that can only erode public discourse and poison the very heart of democratic practice. There are indeed those in our midst whose sick tests of racial and cultural purity are what motivate them to speak, whether in debates on immigration or anything else. Let them speak. In the words of Thoreau, "the truth . . . that alone wears well."

I close with the words of Jefferson, from his first inaugural address, which I have updated a bit for our 21st century ears:

During the contest of opinion through which we have passed the animation of discussion and of exertions has sometimes worn an aspect which might [be thought to attend persons who are not used to] think[ing] freely and to speak[ing] and write[ing] what they think. . . . All [of us], [must] bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be [just] must be reasonable.