
El presente y el futuro del Derecho Natural: una conversación con Robert P. George

*The Present and Future of Natural Law:
A Conversation with Robert P. George*

Maria Alejandra VANNEY

Senior Research, Cambridge University (Reino Unido)
alexvanney@gmail.com

Robert P. GEORGE

Princeton University (Estados Unidos)
rgeorge@princeton.edu

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Resumen: El artículo presenta una inédita entrevista al profesor Robert P. George (Universidad de Princeton, Estados Unidos) realizada con el fin de acercar a académicos procedentes de países no anglosajones, una visión panorámica de los principales temas que actualmente son objeto del debate jurídico y político desde una perspectiva no continental. Como se desarrolla en el texto, el ámbito anglosajón ha recuperado la desacreditada noción de derecho natural, a través de la Nueva Escuela de Derecho Natural. A través de esta nueva visión del derecho natural, Robert P. George presenta una clara defensa de derechos e instituciones que actualmente se encuentran atacados por la tiranía de «lo políticamente correcto». George por medio la poderosa fuerza de la verdad y por medio de una clara y exquisita argumentación, invita a su interlocutor –sea en las aulas o a través de sus obras– a pensar por sí mismo sin miedo a poner en tela de juicio incluso las ideas y convicciones más profundas. Esto porque si como consecuencia del diálogo recibo luces nuevas, puedo rectificar y acercarme así a una verdad más plena. Si, por el contrario, recibo explicaciones poco fundamentadas o si el razonamiento adolece de fallos lógicos, me servirá para fortalecer las propias ideas, que deben presentarse siempre con la apertura de quien no se considera infalible. Asimismo se analiza detenidamente la naturaleza del derecho natural, tal como lo entiende la Nueva Escuela de Derecho Natural, en cuya escuela se inscribe como uno de sus principales figuras. Presenta también las críticas de las que, con cierta frecuencia, esta nueva escuela es objeto. Resulta por ello un texto iluminador para juristas y filósofos interesados en conocer de primera mano los principios de la Nueva Escuela de Derecho Natural, aún poco difundida en la tradición continental. Aspecto de gran interés es su exposición de la metodología que, a su entender, debe guiar la interpretación constitucional. Para juristas no plenamente interiorizados en la tradición

Abstract: This article presents an unpublished interview with Professor Robert P. George (Princeton University, USA) with the aim of reaching out to scholars from non-Anglo-Saxon countries in order to offer a comprehensive view of the main issues currently being debated by legal and political scholars from a non-continental viewpoint. The text shows how a significant number of Anglo-Saxon scholars have recovered the discredited notion of natural law, through the so-called «New School of Natural Law». With this new approach to natural law, George presents a clear defense of rights and institutions currently confronted by the tyranny of «the politically correct». One powerful aspect of this new School includes the elaboration of arguments and counter-arguments to one's own position. In this way, George invites his participant – whether in the classroom or through his dialectical works – to think for him or herself without fear of questioning even one's deepest ideas and convictions. As a consequence of this thought process, one is able to receive new lights and, thus, rectify and reach a more complete truth. If, on the contrary, one has unsupported explanations or reasonings with logical fallacies, the method will strengthen one's personal ideas, which must always be presented with the openness of those who do not consider themselves infallible. The main topic of this article is a detailed analysis of the natural law, as understood by the «New School of Natural Law», in which George is inscribed as one of its main protagonists. It also presents the criticisms of which this New School is frequently the object. It should be therefore an enlightening text for jurists and philosophers interested in knowing first-hand the principles of this School, still not widespread in the continental tradition. Another aspect of interest is the exposition of the methodology that, according to George, should guide Constitutional Interpretation. For jurists not fully internalized in the tradition of Anglo-Saxon Common Law, his explanation of

del *Common Law* anglosajón, resulta muy esclarecedora su explicación acerca del modo en que deben proceder los jueces en la resolución de los casos. Estos deben limitarse, indica Robert P. George, al papel que la Constitución les ha atribuido: aplicar la ley, tal como ésta es. De este modo, ante la frecuente tendencia a convertirse indirectamente en legisladores, alerta que ese modo de proceder supone violar la Constitución que han jurado defender. Un tema que se trata en extenso, es el del papel de la religión en la vida pública. Si bien nuestro autor prefiere utilizar argumentos de razón en su defensa de valores, se trate de la protección de la vida humana en todas sus instancias, del matrimonio como la unión de un varón y una mujer abierto a la vida, de la defensa de la libertad, etc. deja claro que la religión constituye una instancia con pleno derecho a participar aportando conocimientos y valores en favor del bien común socio-político, tal como lo han hecho muchas de las figuras más relevantes de la historia de los Estados Unidos. De este modo, no aboga por la neutralidad en el esfera pública, pero tampoco apoya un gobierno sacro. Aboga, por una sociedad no sólo «civil» sino «civilizada», es decir aquella en la que cada ciudadano puede manifestar con sus palabras y su conducta el propio modo de ver las cosas, en un ámbito de respeto mutuo que no se identifica con un relativismo. Sí se espera que cada ciudadano al presentar su ideas o conductas, sea capaz de dar razón de ellas, ya sea desde una perspectiva secular o religiosa.

Palabras clave: Nueva Escuela de Derecho Natural; John Finnis; libertad religiosa; libertad de conciencia; libertad de expresión; universidad; bienes básicos; derechos naturales; interpretación judicial; sociedad civil.

how judges should proceed when resolving different cases is insightful. The judges must be limited, says George, to the role that the Constitution has assigned to them: to apply the law as is. Thus, Given the frequent tendency for judges to indirectly become legislators, he warns that this mode of proceeding presupposes frequent violations of the Constitution that they have sworn to defend. Another topic extensively argued is the role of religion in public life. Although George prefers to make use of rational arguments in his defense of values (among them the protection of human life in all its instances, marriage as the union of a man and a woman open to life, or the defense of freedom, etc.), he makes it clear that religion has the right to participate in public life by contributing its knowledge and values in favor of the socio-political common good as many important figures have done in the history of United States. Hence, George does not advocate neutrality in the public sphere, nor does he support the opposite extreme: a «sacred public square». He supports a society that is not only «civil» but also «civilized», that is to say, a society in which every citizen can manifest his words and/or his ideas and beliefs in an ambiance of mutual respect. Such a society believes that every citizen not only has the right to think, to believe and to live according to his views, but also is able to give reasons for them, whether from a secular or religious perspective.

Keywords: New School of Natural Law; John Finnis; religious freedom; freedom of conscience; freedom of speech; university; basic goods; natural rights; constitutional interpretation; civil society.

INTRODUCCIÓN

Aunque el profesor de la Universidad de Princeton Robert P. George no necesita presentación en ambientes anglosajones, dada su decidida presencia en revistas académicas, artículos para la prensa, conferencias y clases en las más variadas sedes, este artículo tiene como fin hacerlo presente –a través de sus propias palabras– en el ambiente académico español y latinoamericano.

Robert P. George es McCormick Profesor de Jurisprudencia de la Universidad de Princeton, y director y fundador del James Madison Program. Este programa reúne en la Universidad de Princeton, año tras año, a grupos de intelectuales que dedican un año exclusivamente a la investigación, en temas de derecho constitucional, teoría política y otros relacionados con ellos. De este modo, desde el año 2000 al presente ya ha reunido más de ciento cin-

cuenta profesores que forman parte de la «James Madison Society»; sociedad académica que, en palabras de su fundador, «una vez que se forma parte de ella, se permanece en ella, como sucede en una familia».

La conversación que sigue a esta introducción muestra la relevancia del Prof. George así como los principales temas de su interés: el derecho natural, tal como lo entiende la Nueva Escuela del Derecho Natural, la libertad religiosa, la importancia de las humanidades, la libertad de pensamiento y expresión, el papel de la religión en la esfera pública, etc. Sin embargo, conviene agregar que no se trata de un mero discurso teórico acerca del valor de esas cuestiones, sino de la convicción demostrada por Robert P. George en su práctica didáctica, académica, investigadora y de asesoramiento formal e informal de todos los que a él se acercan en búsqueda de guía, consejo o ayuda.

Su convicción de que la búsqueda del conocimiento y el mantenimiento de una sociedad libre y democrática exige el cultivo y la práctica de las virtudes, fundamenta el modo en que se dirige a cada persona y la manera como trata los diferentes temas. Entre otras virtudes, vale señalar la humildad intelectual, la apertura de mente, y sobre todo el amor a la verdad. De este modo, Robert P. George se ha convertido en uno de los académicos estadounidenses que conjuga de modo admirable sus convicciones sólidas con el diálogo y la amistad con personas que piensan de modo diverso.

Robert P. George se caracteriza por saber escuchar al interlocutor con atención y respeto, con la permanente ilusión de aprender de los demás, se trate de un colega, de un doctorando o un alumno de licenciatura. A partir de esa escucha atenta, al modo socrático, por medio de interrogantes la verdad se desvela al interlocutor poco a poco, de modo misterioso como todo lo que –de algún modo– es propio del hombre y, a la vez, en cierto modo lo supera. Esto no significa que todas las opiniones sean igualmente válidas, o que todos los que se expresan en la vida académica o pública aporten argumentos del mismo valor. Tampoco implica, ciertamente, que no exista la verdad ni que el intelecto humano que la busca con rectitud no pueda alcanzarla. En este sentido, Robert P. George se distancia tanto de quienes desconfían de las posibilidades del conocimiento y del deber de buscar la verdad, como de aquellos académicos que idolatran su propia opinión y no escuchan a quienes afirman posturas diversas a las suyas.

Propone a sus alumnos y a todos los que acuden a él, ser personas que escuchan con atención y respeto a todas las personas. De este modo, si se está en el error se puede rectificar; y siempre sirve para profundizar en el entendimiento y fortalecimiento de las propias habilidades de defender racionalmente

las verdades que se sostiene. Asimismo, afirma Robert P. George que el deseo sincero de escuchar y respetar a aquellos que ponen en duda incluso nuestras certezas más profundas, contribuye a mantener un ambiente universitario que se caracteriza por la libertad de expresar las propias ideas, incluso cuando se trata de aquellas que no gozan de popularidad. De este modo, se crea un *ethos*, que protege a todo intelectual de cualquier tendencia dogmática o «pensamiento de grupo» que resultan tóxicas para la salud de toda comunidad intelectual.

En definitiva, Robert P. George es un verdadero universitario en el sentido más puro e ilustre de la expresión, de lo cual es muestra, que ya ha formado a un grupo no pequeño de académicos que siguen sus huellas en búsqueda de la verdad a través de la vida intelectual.

INTRODUCTION

Although Princeton University Professor Robert P. George need not be introduced to Anglo-Saxon scholars given his strong presence in academic journals, press op-ed, lectures and courses delivered in various venues, this article aims at introducing him more broadly, and through his own words, to the Spanish and Latin American academic environment.

Robert P. George serves as the McCormick Professor of Jurisprudence at Princeton University, where he is also the Director and Founder of the James Madison Program. Every year, the James Madison Program gathers a group of intellectuals who devote one year exclusively to research in matters of constitutional law, political theory, history, etc. Since 2000, the James Madison Program has gathered more than one hundred and fifty scholars who are now part of the «James Madison Society», an academic society in which, in the words of its founder, «It's like a family; once you join, you'll always be part of it.»

The conversation that follows this introduction demonstrates the relevance of Prof. George, as well as his main topic of interest: natural law – as forged by the New School of Natural Law – religious freedom, the importance of the humanities to understand ourselves and Western culture, freedom of thought and expression, the role of religion in the public arena, etc. Is important to stress that Robert George does not develop a mere theoretical discourse, but rather shows his personal convictions in a deeply and rationally argumentative way.

Prof. Georges is persuaded that the search for knowledge and the main-tenance of a free and democratic society requires the cultivation and practice of the virtues. Among other virtues, it is worth emphasizing intellectual humility, openness of mind, and above all, love of truth. Following this path, Robert P. George has become one of the American academics who best combines his strong convictions with dialogue and friendship with people who think differently.

Robert P. George is characterized by his willingness to listen to his inter-locutor with attention and respect, with the permanent hope of learning from others, be it from a colleague, a doctoral student or an undergraduate student. By his attentive listening and Socratic interrogation, the truth is revealed to the interlocutor. This does not mean that all opinions are equally valid, or that all those who express themselves in the academic or public life contribute with arguments of the same value. Neither does it imply that truth does not exist nor that the human intellect that seeks it with rectitude cannot attain it. In this sense, Robert P. George distances himself from those who distrust the possibilities of knowledge and the duty to seek the truth, as well as of those scholars who idolize their own opinion and do not listen to those who affirm different positions to theirs.

He proposes to his students and to all those who come to him, to be people who listen with attention and respect to the people who challenge their own beliefs and values. In this way, if one is in error, he can rectify it; and it always serves to deepen one's own understanding and strengthen one's ability to rationally defend his beliefs and attitudes toward truth. Robert P. George argues that the sincere desire to listen and respect those who question even our deepest values contributes to maintaining a university environment; that is, an institution characterized by the freedom to express one's own ideas, even those that are unpopular. In this way, an *ethos* is created which protects every intellectual from any dogmatic «group-think» which is toxic to the health of any intellectual community.

In short, Robert P. George is an academic in the purest and most eminent sense of the expression, a fact that is revealed by the group of young academics who follow in his footsteps in search and service of truth throughout the intellectual life.

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Maria Alejandra Vanney: In order to understand your work, it might be especially helpful to know which are the key aspects of your intellectual biography? How and when did your interest in Philosophy of Law and in the New Natural Law Theory begin? What led you to think that Natural Law Theory was more than darkness and fallacies (an opinion that probably many scholars hold in your academic field)?

Robert P. George: I became interested in philosophy of law and related fields such as moral and political philosophy when I was an undergraduate student. I had two seminars with a professor of medieval thought at Swarthmore College. His name was Linwood Urban. He was not a widely published scholar, but he was a very good teacher and I studied the writings of St. Thomas Aquinas, among other thinkers, with him. I became very interested in the sections of the *Summa Theologiae* on law and legal obligation, and in particular in the question of the proper role of the State in enforcing moral obligations.

This of course led to an interest in the question of the rational foundations of moral norms. Then studying with Professor Urban and others, I encountered the works of David Hume and the skeptical position about the capacity of the mind to grasp more-than-merely-instrumental reasons for action, including moral principles.

I became deeply interested in the debate between neo-scholasticism and Humeanism, and I remember thinking that the neo-scholastics writers whom I was reading seemed to have a very good critique of Hume, and yet my reading of Hume led me to believe that a Humean could offer a very powerful critique of the positive program of the neo-scholastic writers. So I found neither side making a persuasive positive case, but both sides making a persuasive negative case, a persuasive criticism of the other side.

It was in relation to trying to think my way through that dilemma or set of dilemmas that I encountered the work of Germain Grisez. It seemed to me that Grisez had developed a sound account of how the mind grasps basic practical principles and the proper way to identify and defend objective values and moral norms.

We should understand basic values (what Grisez calls «basic human goods») as ends or purposes that provide more-than-merely-instrumental reasons for action, and we should understand moral principles and norms as specifications of the integral directiveness of the various aspects of human well being and fulfillment.

This led me eventually to John Finnis' book *Natural Law and Natural Rights*, which was published in 1980 as I was entering law school at Harvard,

and I relied on that work in connection with some courses in which I was studying philosophy of law. I soon began thinking about what contribution I myself could make using the insights of Grisez and Finnis but focusing on the question that had become interesting to me in college of the legal enforcement of moral obligations. Before long I was developing some ideas about the proper scope and limits of the power of law and the State to enforce moral obligations for the sake of the common good – ideas that would launch me into my career as a professional philosopher in the field of philosophy of law and in moral and political philosophy.

Fortunately for me, I had the opportunity to study with Professor Finnis, as well as with Joseph Raz as a doctoral student at Oxford after I finished my law studies at Harvard. There I wrote a thesis on the legal enforcement of moral obligations in natural law theories.

MAV: And whom do you consider to be the main authors that have influenced you during your education?

RPG: The most important influence on my approach to intellectual life was Plato, whose dialogue *Gorgias* I encountered in my second year as an undergraduate, in a general introduction to political philosophy. The *Gorgias* struck me like a lightening bolt because it led me to see that I was approaching intellectual life in an entirely incorrect manner, seeking knowledge not for its own sake but only for its instrumental value. Plato's arguments were a powerful corrective to that way of understanding the life of the mind, the intellectual life. The seeds of my becoming a professor were in that encounter with Plato.

In addition to Professor Urban, I had a wonderful professor named James Kurth, who was not a philosopher, but rather taught me international relations and American foreign policy. Professor Kurth was and is a deep and analytically powerful thinker. He taught me both by precept and example to be as analytically rigorous as possible in thinking through intellectual problems. And then of course, after law school the two biggest influences on me were my teachers at Oxford whom I mentioned, Prof. Finnis and Prof. Raz.

MAV: Although they have very different visions...

RPG: Yes, in some ways it is true, in another ways they are quite similar. They are both working within the analytic tradition of philosophy, and they are both critical of ethical subjectivism or relativism. They have different accounts of moral norms and different judgments on questions of normative ethics, but both reject the non-cognitivism and subjectivism that were so prevalent among analytic philosophers of a different generation, though there were exceptions, which were powerful influences on me as well – for example

Elizabeth Anscombe. I knew her only a little and I didn't formally study with her, but she was an important influence on my thinking.

MAV: The new school of natural law was developed in English-speaking countries and so maybe it is interesting for other audiences to know what it has in common with the classic natural law theories and what is new or different.

RPG: The architects of the New Natural Law Theory, whose alleged newness is a matter of dispute that I will come back to in a moment, are Anglophone philosophers beginning with Grisez and Finnis and the late (and sorely missed) Professor Joseph Boyle of the University of Toronto, and including the next generation of New Natural Law thinkers, such as Patrick Lee, Christopher Tollefsen and myself. Now there is a third generation of people like my students Sherif Girgis, Melissa Moschella, and Daniel Mark. So it's really been dominated and developed by Anglophone thinkers. The other thing is that it's clearly a movement within the broader tradition of analytic philosophy. So, if we use just for rough purposes (and one cannot be precise about this boundary) the distinction between continental philosophy and analytic philosophy, it is clear that new natural law theory is a movement within the analytic tradition of philosophy, which will cause it to seem a little alien for people outside that tradition – people trained in continental approaches to philosophy, for example. So, I hope, certainly, that more people from different cultures and nations, representing a broader spectrum of backgrounds and languages will become interested in the so-called «new natural law» approach. I'm glad that my own works and Professor Finnis' works are now being widely translated.

Now on the question of its relationship with classical natural law thinking, I myself believe that it is in line with the tradition that begins with Plato and especially Aristotle, and then is developed and enriched in highly original ways by Saint Thomas Aquinas. I think it's in line with that although I also believe it adds to that tradition, it makes a contribution to that tradition. I do not think that there is any significant break between Aquinas and the new natural law theorists. Of course, that is a point on which the critics of the new natural law disagree, e.g. Professor Ralph McInerny and Professor Henry Veatch. There is a question of whether new natural law theorists attempt to eliminate the metaphysical assumptions of classical Thomism. I would argue that we do not. In fact, we defend them, and perhaps we defend them even more vigorously than our critics within the natural law camp do themselves. So, Professor Grisez and Professor Boyle have written a very important book defending freedom of the will, metaphysical freedom. Professor Lee and I have collaborated on a book defending the unity of the person against Car-

tesian and other forms of body-self dualism. Several people in our tradition have written important works on the relationship between ethics and theology, between God and moral obligation. An early important contribution was the final chapter of John Finnis' «Natural Law and Natural Rights», which was about God and the relationship of theism to the natural law ethical theory that he propounded in the book. Grisez' book «Beyond the New Theism» is a valuable contribution to the defense of some metaphysical theses that are integral to the new natural law theory.

The complaint of our critics, I think, derives entirely from their objection to our view, which we defend carefully and extensively, that (as a logical matter) one cannot draw a normative conclusion from a purely descriptive set of premises. To draw a normative conclusion, you need at least one normative premise and in ethics, the normative premises will include a grasp of some end or purpose, or ends and purposes, that provide more-than-instrumental reasons for action (inasmuch as they represent something intrinsically and constitutively valuable for human beings – e.g., having and being a friend, improving one's mind through intellectual engagement and the acquisition of knowledge, acting for the sake of preserving one's authenticity and integrity). There are various ends or purposes that are more than merely instrumentally valuable, that are constitutive aspects of our wellbeing and fulfillment as human beings, not merely means to anything else. They may, in addition to having intrinsic value, have instrumental value; but their value is not reducible to their instrumental value. Some such value must be in the premises of any valid inference to a normative conclusion about, say, whether it's morally acceptable to tell a lie or lead a nation into a certain war, or any of the other disputed questions. We agree completely with St Thomas Aquinas, who argues in the famous question of the *Summae Theologiae* about whether there is only one first principle of practical reason or many first principles, that there are many first principles of practical reason, not just one, and that these principles are *per se nota*, and *indemonstrabilia*. Aquinas could not be clearer about this. We affirm it, and I do have a bit of trouble understanding why our critics, who claim to be more faithful Thomists than we are, do not themselves affirm it or see its centrality to the thought of Aquinas on ethics.

MAV: Going back to the influences you received. What role have other sources (family, historical events, circumstances, religious institutions, cultural situations) played in the development of your thought and do you think that it important to consider these influences with regard to a professor's intellectual development for the students, and to what extent?

RPG: In my own personal history, a very important element was the emergence of abortion as a significant issue of American culture and public life. This was in the 1970s. I was still very young, perhaps 13 or 14 years old, and my mother became involved in the pro-life movement in our community, which was Morgantown, West Virginia. There was a Catholic chaplaincy at West Virginia University, and at the chaplaincy, in those days, the local pro-life group would meet. It consisted of some students, particularly some graduate students. I remember two graduate students in philosophy who would regularly attend the meetings together with people from the community like my mother, who was not herself university educated, but was very interested in the issue and determined to defend the lives of the unborn. She herself had had five children. I had very clear memories, even at that age, of the births of my youngest brothers. Even at that age, I was aware that when my mother was pregnant and when she would let me feel the baby kick, that it was a baby kicking, not a potato or a «mass of cells» or something else. So, I didn't have any doubt about what was in there. My mother recruited me into the pro-life movement and I began to attend those meetings and that was perhaps my first experience with hearing ethical argumentation, hearing the graduate students in philosophy make the ethical case for the pro-life position. I had great admiration for them. I knew what I thought, because I had felt the babies kick. I had had that experience, but they could give a powerful intellectual case, and that was very inspiring to me. Defending human life in all stages and conditions has remained central to my thinking, and a central concern of mine in my professional life as a scholar and teacher. I have published many articles on the subject, and I regularly teach courses in which the subject is addressed. I served on the President's Council on Bioethics under the chairmanship of the great thinker Dr. Leon Kass – another scholar who profoundly influenced me. I've been an activist in the pro-life movement. I have given public service devoted to advancing the pro-life cause. So that's a case in which an issue of public concern has helped to shape my life as a scholar.

MAV: Regarding your teaching experience, among other courses, you teach Constitutional Interpretation, here at Princeton University. Could you give a brief interpretation of the methodology you use in the interpretation of law? I suppose that it is quite different from continental tradition.

RPG: Yes. I believe that in the interpretation of statutes, interpreters (including judges) should make every effort to be faithful to the intention of the legislators. It is after all the work of the legislature that makes a proposition or a principle a law, and not just somebody's idea. Courts should not usurp the

authority of the legislature by manipulating legislative enactments to bring them into line with the judges' political preferences. That is judicial lawlessness. That is infidelity to law by people who have sworn an oath to be faithful to the law. On questions of constitutional interpretation, where constitutions are like the constitutions of the United States, they are not extensive codes, they have a different character. I believe that the constitutional interpreter, including the judge, should look where possible to the plain meaning of the text, again trying to give effect to the understanding and purposes of the ratifiers of the constitutional text in question. Where the text is not entirely clear or determinative of the meaning – where we don't seem to be able to simply apply the text to the question in a straightforward way – then I think interpreters, including judges, should look to the logic of the text. What are its presuppositions? What are its logical implications? In a sense, the law includes more than simply the words interpreted strictly literally. It includes what is presupposed by the principle that has been enacted and what is logically entailed by it. But here, in my judgment, judges have a moral obligation to be, and the law requires them to be, very strict with themselves, holding to the actual logic of the provision and not simply using their raw power to substitute their own judgments for the judgments of those who ratified the constitution, making it law. In addition to the text and the logic of its provisions, sometimes the meaning of a constitutional text will become clear by looking to the structure of the constitution or the part of the constitution in which the provision appears, the structure of the document or sometimes the structure of the set of institutions established by the document. I think that in the case of the 14th amendment to the Constitution of the United States, light is shed when we look at the relationship between the principle of the protection of privileges and immunities of citizens of the United States and the principle of due process of law, which must be accorded to all persons, and the principle of the equal protection of the law, which also must be accorded to all persons within their jurisdiction by the states. Sometimes problems that seem puzzling will become clear. The puzzle will be dissolved if we look at the structure of the constitution or of the article of the constitution in which the relevant provisions are contained or the structure of the institutions created by the constitution. And then, I think the fourth source of meaning and illumination for interpreters, including judges, is the historical understanding of the text. How was the text originally understood? What was its meaning as understood by the people who proposed and then the people who ratified the text? Was there a publicly understood meaning? If so, that should give us a great deal

of guidance as to how it should be applied, even when it's being applied to a new problem. So, for example, the ratifiers of the fourth amendment of the United States constitution had no idea that there would ever be such a thing as electronic surveillance; and yet, their principles restricting the powers of police to engage in searches during criminal investigations, or to seize papers or other documents, are applicable today, even in cases in which issues arise that involve electronic surveillance. The principle is perfectly capable of being applied in the way that the ratifiers thought it should be applied despite the fact that the technology has now expanded the ways in which police can search for evidence. I think that is just one example of a very common phenomenon. So, to sum it up, I believe that the sources of illumination for constitutional interpreters, what might be described as the sources of constitutional meaning, are: the text, its logic, its structure, and its historical understanding.

MAV: Perhaps continental legal interpretation is not so different from that in the United States.

RPG: We, in the United States, are inheritors of the common law of England. We have changed a lot of it. We have now codified a great deal of our law (private law, criminal law, and so forth), however we still have the principle of precedent, which we call *stare decisis*. Now, that is not an absolute. Courts often overturn themselves and overrule a previous decision. But it is, as I understand it, a difference from the continental civil code.

MAV: I see that in the codified system, the judges cannot do much because the rules are very strict. While in common law, there is much more room for flexibility on the part of the judges. So, in the US it can be risky. But the problem is that in continental law, the role of the legislative branch is very political. Perhaps here in the common law system, the political aspect and political risk falls on the judges.

RPG: Yes, I think that's right. I don't know if that is somehow written into the script when one chooses between the two systems. But historically as things have played out, certainly in our system judges have frequently abused their power and have usurped the authority of the legislative branch under the pretext of giving effect to constitutional guarantees. This happened with regard to the issue of slavery in the 1850s in *Dred Scott vs. Sanford*, in which the court, claiming a constitutional warrant, but having none, invalidated the efforts of Congress to restrict the spread of slavery to the federal territories of the United States. The same thing happened in 1973 in the abortion case of *Roe vs. Wade*. There, again without any constitutional warrant, again claiming they had one but having none, and having the flimsiest argument which

one can barely call an argument as it was nothing more than a set of assertions, the court invalidated all state laws protecting unborn children from being slain in abortions.

Despite the fact that nothing in the text, logic, structure, or historical understanding of the Constitution so much as hints at a right to take the life of a child in the womb, the court invalidated the laws of the various states forbidding or seriously restricting abortion. It was a flagrant usurpation of the authority accorded by the Constitution to the legislative branch rather than to the judicial branch. And now the Supreme Court has done it again on the issue of marriage, manufacturing a «right» to «same-sex marriage» without the slightest constitutional warrant. Another gross usurpation. Another case of flagrant judicial lawlessness. So the history of our jurisprudence is mixed. While we've had moments of triumph – courts have sometimes done the constitutionally right thing and done the right thing very bravely – the record of the courts has been marred by case after case of usurpation. When the court oversteps its own authority you have the tragedy of an institution whose role is supposed to be to protect the rule of law, now undermining the rule of law by engaging in unconstitutional – indeed anti-constitutional – acts by which they essentially steal power given under the Constitution to a different branch of government. It is political theft.

MAV: What do you think the role is for religious arguments in the current moral debates in democratic and constitutional society, if any?

RPG: I believe that there is a robust role for religion in public life. Certainly in the life of a pluralistic democracy, it would be a scandal to require people to divest themselves of their religious beliefs and motives or their religious language when entering the public square to fulfill their obligations as citizens to advance justice and the common good. In fact, if we look at the history of reform movements in the United States – the movement to abolish slavery, for example, or the movement to protect children and women workers against exploitation, or the movement to repeal racial segregation in our public institutions, right down to today's movement to defend the life of the child in the womb – they have been led by religious people who have made the case to their fellow citizens in religious as well as secular terms. The abolitionists who sought to abolish slavery spoke of God's condemnation of slavery. Lincoln speaks of God's condemnation of slavery in his 2nd inaugural address. He says that the carnage of the Civil War was brought on the nation because of the sin of slavery. If we look at the effort to protect women and children workers, the leaders of that were ministers or religiously devout women. If we

look at the movement to repeal segregation, it was led by the Reverend Dr. Martin Luther King, a Baptist Minister, and his chief lieutenant, the Reverend Ralph Abernathy, also a minister, speaking in Biblical language, arguing that segregation, racial injustice, was a sin against God, who had created human beings, with a profound, inherent and equal dignity. King appealed to the Biblical principle of the brotherhood of man under the common fatherhood of God. What a scandal it would be to ask people now, in view of this great history, to divest themselves of their religious beliefs or language when they enter the public square.

Now, bad things have been done in the name of religion as well. But bad things have been done in the name of secular ideologies, just as sometimes good things have been done. I think that the public square that we need is a public square that welcomes all voices, those who are coming from religious perspectives of various kind, Protestant and Catholic, Eastern Orthodox, Mormon, Jewish, Muslim, and those who are coming from secular vantage points. Let them enter the public square and engage in civil debates, and form alliances where they can do so to advance the causes that they believe in.

They should try to appeal to the consciences of their fellow citizens in the language that they think will make the case honestly but powerfully and try to persuade their fellow citizens of what they think justice and the common good require. This is what we have always done in America. That is what we should continue doing, and I would recommend this for any pluralistic democracy, indeed for any just regime. We should not prejudice things in advance of the debate, in favor of religion, but we should not prejudice things against religion either. The late Fr. Richard John Neuhaus was a great American thinker, a Lutheran minister who became a Catholic priest. He was a very important American public intellectual, who died just a few years ago. Commenting on the effort that was then very strong to relegate religion to the purely private sphere in the United States, he referred to that as an effort to create a «naked public square» and he said that the correct view was not that. We don't need a naked public square. This would be contrary to our history and contrary to justice. But, we don't need a sacred public square either, where religion is given the upper hand and secular ideologies are put in an inferior position even before engaging in a fair debate. We need a civil public square, not a sacred public square or a naked public square. A civil public square is one in which people can come fully clothed in their own worldviews, be they religious or secular, and vie for the allegiance of their fellow citizens, making the arguments as best they can.

Now, having said all that, and affirming the relevance of religious principles in public life, I myself believe that there is an important role for arguments that defend positions that can be defended on the basis of revelation for religious believers, or in natural law terms, where we try to explain the reasons people have, even apart from revelation, for say, protecting the life of the unborn child or protecting marriage as the conjugal union of husband and wife, or protecting liberty of conscience. Religious people shouldn't reject that. From the point of view of a religious person, those arguments should be welcomed because they seek to explain why a loving God, who wills the good for human beings, would want the unborn child to be treated with equal dignity, for example, and why marriage is the conjugal union of husband and wife. In a certain sense, from a religious point of view, natural law argumentation is attempting to explain God's reasons and to defend principles and policies for the reasons that God himself, as best we can tell, supports them and wants them to be honored. So, my own contributions have not been to enter the public square as Martin Luther King did or articulate my positions in religious language. I have no objection to that. I think it's good and I'm glad people are doing it. But my own contribution, my own vocation, is to make natural law arguments, to engage those on the other side on the plane of reason without appeal to revelation or authority of any kind, religious or otherwise, apart from the authority of reason itself. I think that that's an important contribution to make and I try to make it.

MAV: In 2013, you wrote the book «Conscience and Its Enemies». In a country like the United States where freedom is a sacred value, do you think that freedom of conscience and freedom of thought are under attack? And if so, do you think that the problem is democracy as a regime or is it rather a deformation of what democracy really is?

RPG: Yes, I do believe that freedom of conscience, and the specific instance of that general freedom we call freedom of religion, are under attack. Not only here. Obviously there are some places of the world, such as some parts of the Middle East, parts of Asia and Africa, in which the attacks on rights of religious freedom and freedom of conscience are much more severe. These are places where people are not only being deprived of employment opportunities, professional advancement, educational opportunities and so forth, they are being deprived of their very lives. So, we cannot really compare the situation in the U.S. and the other western democracies with such places when it comes to the magnitude of the evil. Think of the atrocities being committed by ISIS or Boko Haram in the Middle East or in Africa. And yet, we

must nevertheless, for the sake of justice and the common good, and for the sake of the integrity of our democratic societies, say what is true, which is that religious freedom and the rights of conscience are indeed under attack here. There are efforts to compel physicians, nurses and other healthcare workers to become complicit in abortion, even against their consciences. There are efforts to compel people in healthcare professions to perform abortions, in the case of physicians, or participate in abortions, in the case of nurses and assistants, and to refer for abortions, and this extends not only to individuals but to institutions, such as a Catholic hospital or an Orthodox Jewish hospital or an Evangelical Christian healthcare facility. We have seen a big debate here over the efforts of the Obama administration, which I regard as an enemy of conscience, to compel employers to provide insurance coverage that includes abortion-inducing drugs, even if the employers are themselves pro-life people who as a matter of conscience simply cannot implicate themselves in abortion by providing coverage for those drugs. We see the same thing in the area of marriage, attempts to compel photographers, bakers, people who provide facilities for weddings or other ceremonies, to implicate themselves in the blessing or celebration of unions that they regard, either for religious reasons or other reasons, as profoundly immoral. This is an attack on conscience as well.

We have seen in the cultural sphere, people who have been forced out of their jobs, like the great technology genius, Brendan Eich, who lost his job as CEO of Mozilla because he had contributed money to the movement to defend marriage in California. We see efforts to smear and stigmatize people who are pro-life or people who are pro-marriage as bigots or «homophobes» or misogynists or haters. Now, I do not blame democracy for this. I do not think this kind of injustice is inherent in democracy. Democracy is, as Winston Churchill said, «the worst form of government, except for all the others». The question is, can you have a democracy that functions well and justly without the broader context being one in which moral values are promoted and upheld and transmitted to each new generation by the institutions of civil society, beginning with the family. The answer to that question is no, you cannot. Democracy is what we should be aiming for, as far as the nature of the regime is concerned. We should try to create democracies where we can and we should try to create the conditions of democracy where the conditions do not obtain, so that later we can have democracy. I am in favor of the democratization movement throughout the world and yet we must remember that democracy can only work justly when it is one part of a larger picture. That larger picture must include a healthy civil society that includes a vibrant mar-

riage culture and family structure, so that people have intact families that are able to perform their fundamental role in transmitting the virtues needed for successful lives and democratic citizenship to each new generation.

RPG: We need situations in which we have not only democracy but flourishing religious institutions that play the leading role in assisting parents (mothers and fathers) in teaching virtue to their children and we need civic associations of every description, religious and non-religious, to also play their roles in society.

MAV: Universities...

RPG: Universities, other educational institutions. Yes, this is true. Sometimes people err by supposing that the only two relevant elements of discussion about politics are the individual and the state. But there is a third element that is absolutely crucial: civil society. It is a complex element, and the foundation of any civil society is the marriage-based family. But there is more, there are religious organizations, civic associations, educational organizations, self-help organizations, fraternal organizations that help to deliver health, education, and welfare services to help people meet their needs. The government should do some of that but it shouldn't do all of that. That is why we need civil society. So yes, I am for democracy, but we need to recognize the democracy by itself cannot produce, much less guarantee, justice. It will become a mechanism of injustice if we do not have the supporting institutions that enable democracy to flourish.

MAV: You have been chairman of the US Commission on International Religious Freedom, can you explain the main mission of this body and what you have learned from being a part of it. What do you think the role of inter-faith dialogue is today?

RPG: I have had the honor in my life of serving on three US government commissions, and one United Nations commission. My first service was on the United States Commission for Civil Rights, to which I was appointed by President George H. W. Bush and then, as I mentioned, I served on the President's Council on Bioethics under President George W. Bush. Then I served as the American member of UNESCO's World Commission on the Ethics of Scientific Knowledge and Technology. Most recently I served on and chaired the US Commission on International Religious Freedom. The Commission on Religious Freedom was founded in 1998. It was created by the International Religious Freedom Act of 1998, passed by Congress and signed into law by President Clinton. It created three institutions: an office of religious freedom in the State Department, which is our foreign ministry,

an ambassador-at-large for religious freedom, and an independent agency, not answerable to Congress, an independent agency like the US Commission on Civil Rights, with Republicans and Democrats alike serving as commissioners. The appointments are structured to ensure that there is an almost even division between members who have been appointed by Republicans and those appointed by Democrats. The President has some of the appointments, the Speaker of the House has some of the appointments, the Majority Leader of the Senate has an appointment, and the minority leaders of House and Senate have an appointment. There are nine members. They elect their own Chairman and two Vice-Chairmen. The mission is to monitor religious freedom throughout the globe and to report to Congress and the President on religious freedom conditions in the various nations, and to advocate on behalf of religious freedom as part of the foreign and diplomatic policy of the United States.

The thought is that there will always be a strong lobby in favor of trade and economics. There will always be the United States Chamber of Commerce and other business associations that will attempt to influence the government in ways that will make conditions favorable for trade with foreign nations. I have no objection to this, by the way. There will always be a powerful lobby on behalf of military and geostrategic concerns in the formation of the United States diplomatic policy. What the Religious Freedom Act of 1998 attempts to ensure is that there will also be a powerful lobby on behalf of religious freedom. The Act seeks to prevent religious freedom from being relegated to a third-class status when it comes to forming the diplomatic policy of the United States.

The commission has been given some tools, the most important of which is the power to recommend that certain nations be designated countries of particular concern (CPCs). These are the worst offenders against religious freedom. These are countries or regimes that are guilty of «ongoing, systematic, and egregious violations of religious freedom,» to quote the words of the International Religious Freedom Act. Either the governments are persecuting people or denying them religious freedom, or the governments are standing by while private actors – terrorists, mobs, thugs – persecute people, usually minorities, based on their faith, either because the government won't do anything about it, doesn't want to do anything about it, or can't do anything about it because the government is too weak to stop the offending parties from offending.

When we recommend a country to be listed as a CPC, the State Department must consider whether to make that designation official, to accept that

designation. If it does, then ordinarily consequences for that nation follow in the diplomatic and trade areas. There are certain steps that presidents and other executive branch officers take against those nations in an effort to incentivize them to improve their human rights record in the religious freedom area. The President and the Secretary of State are not required to accept the recommendations, but where they do accept them, certain things follow. The President can accept the designation and waive any sanctions. But, where a President does that, as the past three Presidents have done in the case of Saudi Arabia, they will have to bear the political cost of doing that. So, I think that Congress came up with a pretty good system. Presidents will think long and hard before granting a waiver. And, on the Commission, we have made the case to Presidents that where they grant waivers, those waivers should not be permanent. If a waiver is granted, it should be temporary and conditional. In my opinion, it should only be continued if there is improvement. Otherwise, the waiver should be removed and the sanctions, or other consequences should follow.

In addition to the CPC list, the commission maintains a list of secondary offenders, whose offenses against religious freedom are not so severe as to cause them to be included on the CPC list. Nevertheless, there are serious violations of religious freedom, which we think should be taken into account by our policymakers, and we believe that our diplomacy should include efforts to press these countries to improve their human rights records. Russia, for example, is on that list. We monitor other nations as well. We have recently been paying attention to some Western European countries where we see a revival of anti-Semitism, and we are worried that governments are not doing enough to combat this ancient, horrible curse. Also, there is strong anti-Muslim sentiment in some areas. Some Muslims are denied their rights. Also, often Christians are denied their rights by regimes that are committed to a very ideological form of secularism. We believe, for example, that Muslim girls should be able to wear their hijab in schools, that Christian girls should be able to wear little crosses and Jewish girls to wear Stars of David around their necks, as religiously inspired jewelry. In places where that is not permitted, we see an offense against religious freedom.

Something like that is not so bad as to warrant the inclusion of a country on a CPC list, but it is still bad and we want to push back against that and encourage countries to be more welcoming of public religious expression by their people. We do not fear religious diversity. We do not think that religious diversity leads to social breakdown or animosity. It can happen, but so can

ethnic differences of all sorts, tribal differences, even differences having to do with secular ideologies. So we believe that respect for religious diversity can, where it is handled properly, be a positive social force, and this takes me to the last part of your question.

What is the importance of interfaith dialogue? It is tremendously important. As you know, Alex, I have devoted much of my adult life to promoting ecumenical and interreligious dialogue. I have been very active in promoting dialogue between Catholics and Evangelicals, between Catholics and Mormons, and between Christians and Jews. I have tried to play a role in encouraging dialogue between Evangelical Protestants and Mormons, even though I don't myself belong to either of those categories. But, I have such strong friendships; both in the Evangelical community and the Mormon community that I find that I am able to broker discussions between them. I have been deeply involved in Jewish-Christian dialogue and Christian-Muslim dialogue. One of my role models here has been the great English public intellectual, and my dear friend, Rabbi Jonathan Sacks, the former chief rabbi in Great Britain. And let me tell you something, like Rabbi Sacks, I want more than simply dialogue. I want cooperation and collaboration. In the pro-life movement, for example, I am beginning to see something that I had long hoped and prayed for, which is cooperation not only between Catholics and Evangelicals, which we have had for a long time, but cooperation between Catholics, Evangelicals, Mormons, Orthodox Jews and Muslims. Some of the most magnificent pro-life testimonies that I've heard in recent years have been from Muslims, people like the writer Suzy Ismail and the great Islamic scholar and teacher Shaykh Hamza Yusuf. These are American Muslims who speak eloquently in defense of the right to life of the child in the womb. I want to see that type of cooperation and collaboration not simply on pro-life matters, but on other issues as well: on marriage and the family, on religious freedom. It is very important that we have more Muslim voices heard on religious freedom. A lot of non-Muslims in the West believe that no Muslims believe in religious freedom. This is false. Obviously there are many people in the various Muslim cultures that do not have a robust concept of religious freedom, but there are also many who do and some of them are speaking out and yet their voices are not heard by non-Muslims. I want to amplify those voices.

I think interfaith understanding and cooperation is one of those conditions for the flourishing of democracy I was referring to earlier. I believe that the future is going to be a religious future. It is not going to be a secularist future.

I think we are living in a post-secular age. This is not obvious to people in Western Europe or the United States, because secularism is so far advanced in these cultures. I think that that is going to turnout to be a short-lived phenomenon. I think that we are going to be living in a religious future, whether secularists like it or not. We will all be well-served if it is a religious future in which people of different faiths know each other, appreciate each other, understand each other, cooperate with each other, and when they have differences, discuss those differences in a civil and respectful manner. So, I am working as hard as I can to try to bring about those conditions.

MAV: Which is much more than tolerance...

RPG: Yes, much more than tolerance. George Washington, the first American President, we call him the Father of our Country, when he was elected President, was sent a note of congratulations from the very small Jewish community in the United States, living mostly in Newport, Rhode Island. That is where the first synagogue in America was founded. The members of that congregation sent Washington a letter saying how happy they were that he had become President of the United States, and that they hoped that he would have tolerance for the Jewish people. He wrote back a magnificent letter. I hope the readers of this interview will go to the internet and find it: «The Letter of George Washington to the Hebrew Congregation of Newport, Rhode Island.» Washington accepts, very graciously, their praise and their words of gratitude and goes on to note that one thing they say is not quite correct. Here is what he said:

«It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.»

I think that Washington, even in the late 18th century when he is writing, had already seen what I am proposing for the future. What we need is not simply tolerance; it is equal citizenship and full collaboration. You know, religious people have much more in common than what divides them. Religious people understand each other, or if they don't, they should. They understand each other because they realize that the world is not reducible to material and efficient causes. There is more to human life than that. There is an open horizon. We are not constrained within the domain of material and efficient causality. We are self-transcending creatures – spiritual as well as material beings. We have

freedom of the will. We are capable of causing things that we are not caused to cause, a literally God-like quality. In fact, I believe that that is what the Bible in Genesis 1 is teaching us when it says that man is made in the very image and likeness of God. The Bible there is confirming something that we all know from our personal experience, and that is that unlike the brute animals, we are rational and free agents. But if that is true, then the human being is not reducible to the material; and if that is true, there is a spiritual domain; and if that is true, well, you can see how the argument goes. We need to be open to a much richer set of possibilities, including the possibility of God's communicating to us in various ways than we would be if we were nothing more than material.

MAV: Among other things that I have read on the Internet, you have been labeled «conservative», «Christian», a «natural law supporter», including pro-life and pro-marriage, and also Communitarian, that I have read in Spanish. Are you comfortable with these descriptions? Would you like to make any comment on them?

RPG: Labels can be useful. I do not object to labels, but they must be understood carefully and critically, because the same word means different things in different contexts and in different cultures. Friedrich von Hayek, the great economic thinker, declined to call himself a conservative, even though most people in the U.S. thought of him as a conservative. They thought of him that way because as the term «conservative» is used in America, he was a conservative. But he did not want to be called a conservative because Hayek was not an American. He became an American, but he came from Europe and the word «conservative» to his European ears meant something different. It meant what we might call «throne-and-altar» conservatism. It meant a world of hierarchy, a world of established religions, of limited freedoms, of strong authority. But, of course, to the American, that is not what conservatism is.

American conservatives are not «throne-and-altar» conservatives, much less are they «blood and soil» conservatives. They are Madisonian conservatives, which from a European conservative point of view would mean a «liberal.» So, in the end, Hayek declined even to call himself a libertarian. He decided that the best label for himself would be either a classical liberal or an Old Whig. So, we have to be careful of these things. In a certain sense, one that makes sense in America, I am a conservative. There may be a certain sense in which I am a communitarian, but not in the sense that Americans usually use that term. I am certainly not a socialist. I am not a proto-socialist. I believe in the market economy, though I am not a libertarian. I don't believe in the laissez-faire system. I believe that there are justified limitations of the market,

regulations are necessary. But I believe that a sound economy that serves the common good will be fundamentally a market economy. So I am not a libertarian, and I am not a socialist.

Am I a communitarian? This depends on what you mean by that term. In the way that the term is used in the United States, I am not. But in the way that the term is used elsewhere, perhaps I am. I am certainly a «communitarian,» if by that one means a person who rejects the ideology of expressive individualism or «me-generation liberalism.» I'm against that ideology, just as I am against communism and fascism. Now that is important because it is the dominant ideology in elite sectors of American culture, including in most universities, and it goes by the label «liberalism» (or «progressivism»). To say that one is a liberal, no longer means what it meant under Franklin Delano Roosevelt or John F. Kennedy. Today it means that one is for abortion, marriage to be redefined so that we have same-sex partnerships, those kinds of things. These are the dogmas of expressive individualism under the label «liberal», because the meaning of the term has changed. So yes, I am against expressive individualism or radical individualism of any kind. If that is what people mean when they say: «Robert George is a communitarian», then I say «yes, Robert George is a communitarian». But, again, we have to read the term carefully and critically because it can mean different things to American ears than to Latin American or European ears.

MAV: It seems this would be because you pay attention to civil society, not only to the individual.

RPG: Yes, that's right. The holes you see in my shirt. Those are the (thankfully, metaphorical) bullet holes that have come from being shot at by the libertarians and the expressive individualists, because I am a critic of all forms of individualism. I am an advocate of civil society and I believe in marriage and in the sanctity of human life, and of course these beliefs are regarded as anathema to expressive individualists and me-generation liberals.

MAV: What do you think when freedom of thought and freedom of speech are attacked, especially in the university, which is supposed to be the place of freedom of thought and the development of thought.

RPG: The greatest threat to intellectual life in the United States today, and I believe this is true in Canada and in some European countries, is the phenomenon of groupthink. People are not thinking for themselves. They are simply conforming their views to dominant positions, to orthodoxies. Where that happens, intellectual life is strangled. Intellectual life can only flourish where people think for themselves, think deeply, think critically, and where

people do that they will often reach different conclusions, and then people who have formed different conclusions engage each other in a civil and respectful manner. They engage each other not in a contest to see who is a winner and a loser, but in the common project of trying to get to the truth of matters. Groupthink is toxic to intellectual life and to any institution, like a university, that is dedicated to advancing knowledge and pursuing truth. And the trouble today is that intimidation is used to compel people to conform their opinions to the dominant position, to the orthodoxies, or else to simply keep their mouths shut and say nothing on controversial questions.

Today, good values of equality, inclusion, mutual respect, are used as pretexts for shutting down debate, for imposing one view on an entire community, despite the fact that there are reasonable people of goodwill who have another view. People are smeared and accused of being bigots, or homophobes or misogynists, simply because they dissent from the prevailing orthodoxy on the university campus. This is not only unjust, it is not only a violation of the academic freedom of the members of university communities, it is also poisonous to the mission of the university, where there is not the effective freedom (going beyond mere formal freedom) to dissent, at least in institutions that represent themselves as welcoming all points of view. It would be somewhat (though not entirely) different for an institution that devotes itself to one particular religion or one particular philosophy. But at least in the case of universities, like my own university, Princeton, that present themselves as open to all points of view, it is toxic for some views to be excluded because some people feel that they will be stigmatized and marginalized for expressing those views.

There is a place for catechism class, but I don't think the university is the place for catechism, and when the university is used for catechism class, whether the faith in question is radical individualism or Marxism, or Liberalism or whatever that is, where that happens you don't have a university anymore. You have the formal structure of a university, you have the buildings, you have a group of people who are called faculty members and you have those who are called students; but what is missing is what makes the university a university, and that is fidelity to the mission of seeking truth, knowledge, understanding, wisdom.