

Fly on the Wall

In increasing numbers, Western jurisdictions are liberating Muslim women by making it illegal for them to wear what they would wish to wear. The reason, so Fly is told, that this is a step towards, rather than away from, liberty, is that the wish in question is an unfree wish, one that, if only it were truly free, would not exist.

This, in the lingo of some clever chappies, is positive freedom, which, unlike the negative kind the likes of Fly tend to favour with reactionary prejudice, enjoys the benefit not only of the more desirable and less pejorative adjective, but also of supporting the weak in their perpetual and perennially losing war against the strong.

Now Fly, in his good (or weak) moments, is all for supporting the weak against the strong. And he tends to see the point of those who say there must be something seriously wrong with liberty if it entails my freedom to keep more than I can ever need away from the pesky efforts of any power seeking to assist those who have nothing and will never have much more than nothing. (Fly's ability to see the point tends to dissipate the closer the real danger comes that any such pesky efforts might upset his comfort unduly, but that's another story altogether.) It is true that the freedom to choose to live in a ten million rand house and to drive a million rand car is more valuable when one has a spare eleven million lying around (or, more likely, enjoys the benevolence of bank managers who don't mind giving one such freedom, as long as one gives it back to them tenfold). But it is also true that to progress from recognition of the general uselessness of freedom without power to the tendency to rewrite all desirable outcomes as freedom from their opposites simply makes nonsense of words. Little is gained by defining tolerance as 'freedom from being a pigheaded bigot', or familiarity with current ideological fashion as 'freedom from counter-revolutionary propagandistic indoctrination.'

The trouble starts with asking what value freedom serves (other than freedom, of course), and arguing that some initiative or other that promotes that value more effectively in fact achieves freedom more perfectly. Freedom, on its own, then becomes some emaciated adjectival cousin of 'true freedom', leaving whatever other value one prefers to freedom to assume the mantle of 'meaningful' or 'effective' or 'positive' freedom. Better to say freedom isn't all that useful in some cases than to mess with its meaning because one likes saying it so much. Brand equity is a terrible liability when it comes to words describing values in a usefully discriminatory fashion. The Aquilian wrong of passing off becomes so pervasive that the brand is ultimately damaged beyond repair, and the need arises for employing the healing balm of initially superfluous adjectives. One may think of

democracy, which spawns the Democratic People's Republic of Korea, set as a foil against 'constitutional democracy' and countless other 'democracies' that derive their semantic weight from the adjectives that carry them. This effect works in the pejorative too, with terms carrying heavy negative loads such as 'discrimination' being extended in their scope of application to describe an increasingly wide spectrum of conduct and states of affairs, driven by the hope of infusing such conduct or states of affairs with the negative brand equity of the emotive term. The resulting explosion of adjectival propping up one finds in 'direct', 'indirect', 'positive', 'negative', 'fair' and 'unfair' discrimination then in turn tends to drain the emotive equity fully from the term, restoring its original lukewarm temperature and shifting the semantic action to this periphery of adjectives.



And so, it seems to Fly, it makes little sense to speak of liberating those women from their scarves when this process of liberation requires liberating them simultaneously from their very desire to wear such scarves in defiance of the attempts at liberation. Substituting what is regarded as the oppressive dictates of husbands and fathers with the oppressive dictates of the state does not appear to Fly to add to the liberty of those being oppressed. This is so particularly where they would tend, on the whole (allowing for some who would welcome the state as an ally in a lonely struggle), to dispute the judgment regarding the existence of, and the need to relieve them of, their oppression. Insisting that one is liberating them requires adopting a vision of positive liberty that denies the autonomy of those in need of liberation, as if to say to them 'we forgive you, for you know not what you do' and 'trust us, once possessed of our enlightenment, you will recognise the liberation we coerce.' This may be many things, but Fly thinks it ain't freedom. And when it comes walking down the aisle arm-in-arm with contempt for that which is threatening purely for being alien, then it may be many other things, but it is also simple and ugly bigotry. 

Legal Crossword Number 11: Answers

Down

1 Weird pleading somewhere down the line (SURREJONDER)
 2 Frequent apposition for the law (ASS)
 3 Unlawfully deprive of possession (STEAL)
 4 Dominis litis (PLAINTIFF)
 5 Halachic divorce (GET)
 6 Conferred by Parliament (STATUTORY)
 7 Insufficient for reviewing the arbitrator (ERROR)

Across

1 Action against those who defraud creditors (PAULIANA)
 2 Attack (ASSAIL)
 3 Rent-a-judge (ARBITRATOR)
 4 Testator (BENEFACTOR)
 5 What diligent executors compile (INVENTORY)